



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

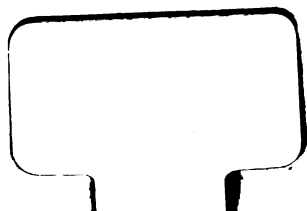
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

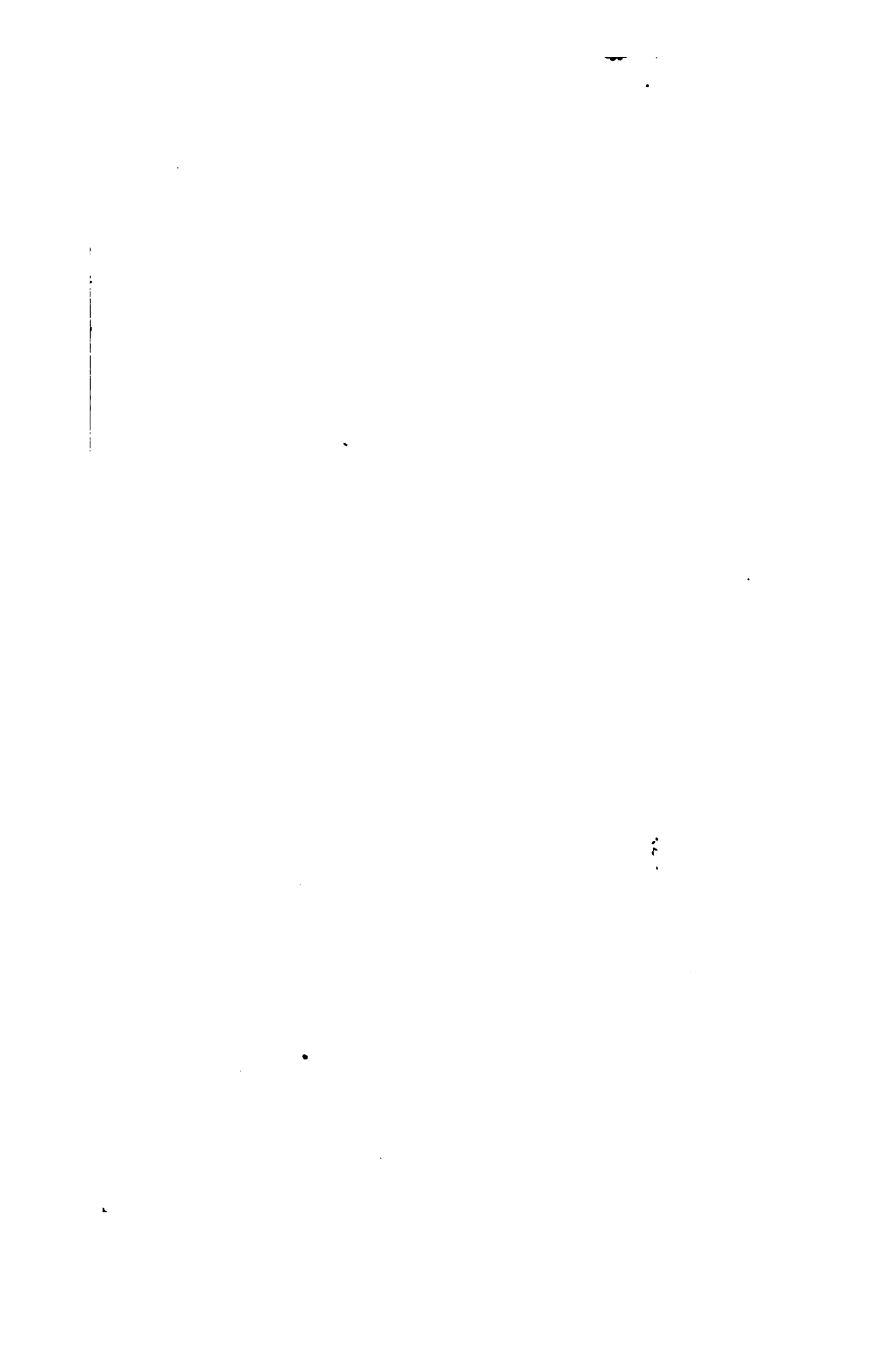




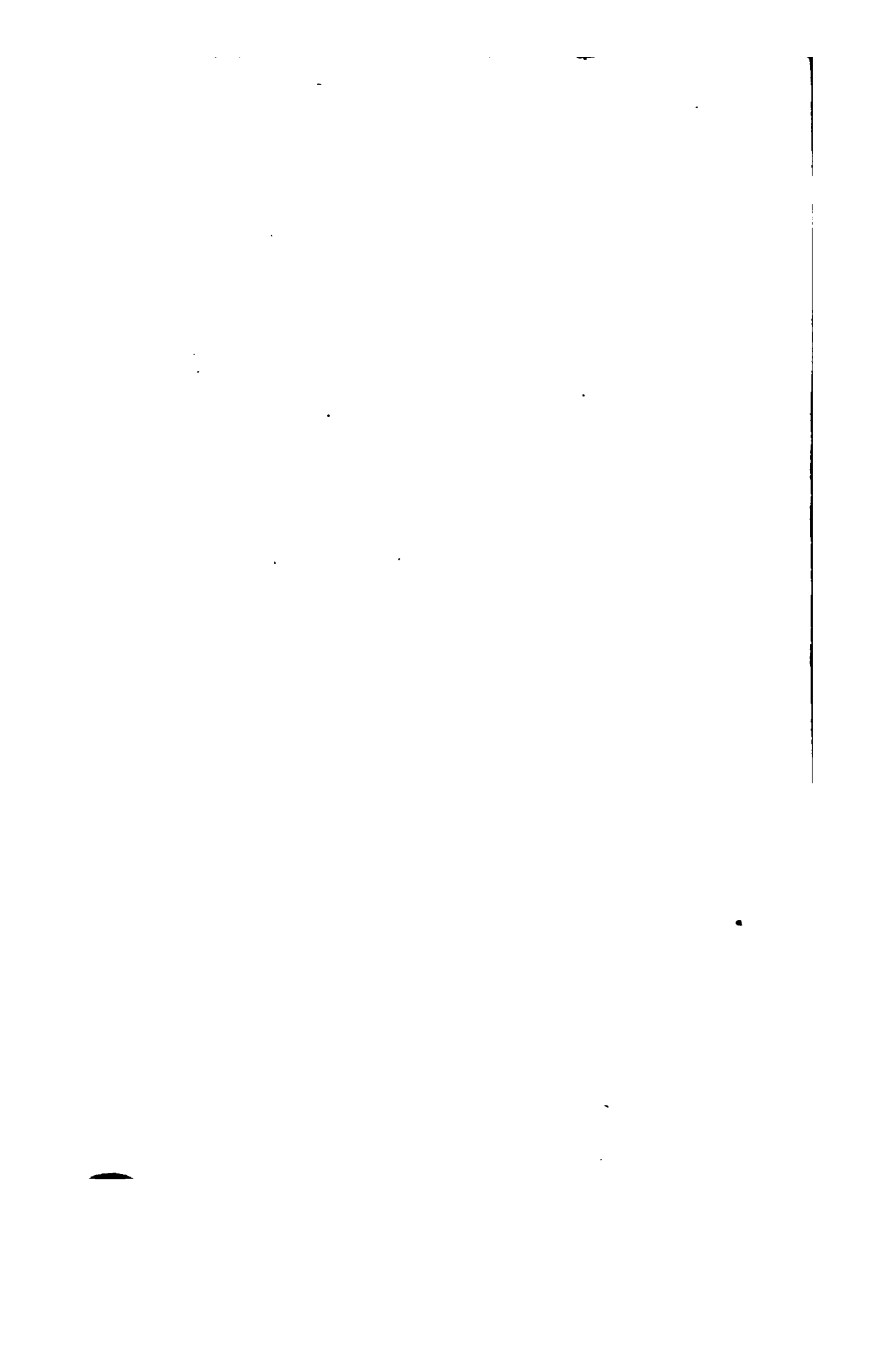
600018077T







THE SHIPMASTER'S GUIDE.



THE
SHIPMASTER'S GUIDE;

A NEW EDITION;

CONTAINING AMPLE DIRECTIONS FOR MAKING THE RETURNS, AND
OTHERWISE COMPLYING WITH THE PROVISIONS OF THE

**MERCANTILE MARINE ACT,
THE MERCHANT SEAMEN'S ACT,**

AND OTHER ACTS

RELATING TO SHIPS AND SEAMEN

WITH

Copies of the Acts :

ALSO

THE REGULATIONS TO BE OBSERVED WHEN ENGAGING AND
DISCHARGING THE CREWS OF

FOREIGN-GOING AND HOME-TRADE SHIPS.

BY THE REGISTRAR GENERAL OF SEAMEN.



LONDON:
BRADBURY & EVANS, 11, BOUVERIE STREET.

MDCCLIII.

231. g. 14.

LONDON:
BRADBURY AND EVANS, PRINTERS, WHITEFRIARS.

NOTICE.

IN consequence of the prevalence of desertion, particularly in the British Colonies, the notice of Shipowners is particularly directed to the following clause in the Mercantile Marine Act, expressly framed to insure the conviction of offenders, when the evidence of the Master and the production of the Log Book are not available. Owners should caution the Masters of their ships of the necessity of strict attention to this provision.

“And be it enacted, That in all cases of desertion from any ship, in any place abroad, the master shall produce the entry of such desertion in the official log book to the person or persons required by the ‘General Merchant Seamen’s Act,’ to indorse on the agreement a certificate of such desertion ; and such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion ; and if such person is a public functionary, he shall, and in other cases the said master shall, forthwith transmit such copies to the registrar of seamen in England ; and the said registrar shall, if required, cause the same to be produced in any legal proceeding ; and such copies, if purporting to be so made and certified as aforesaid, and if shown to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.” (13 & 14 Vict., c. 93, sec. 74.)

The attention of Shipmasters is also especially directed to an enactment of the Session of 1853, which authorises a justice to oblige seamen imprisoned for offences to complete the voyage they agreed for. This enactment, being sec. 38 of 16 and 17 Vict., c. 131, will be found at page 74.

MEMORANDUM.

The abrogation of the last-retained provision of the Navigation Laws, (by the repeal of the 7th Sec. of 11 and 12 Vic., cap. 29, which limited the employment of Foreigners in the Merchant Service) and the consequent discontinuance of the Mariners' Register Ticket, has rendered necessary a new edition of "The Shipmaster's Guide."

I have availed myself of the occasion, to embody such instructions in the several chapters of this book, as experience of the working of the Mercantile Marine Laws has dictated.

It is gratifying to find that the regulations now in force are producing their anticipated effect; for a palpable improvement is already perceptible in the Officers of the Mercantile Marine, while the interests of the seamen are duly protected under the supervision of the Shipping Officers.

J. H. BROWN.

Registrar-General of Seamen.

London, November, 1853.

CONTENTS.

Chap.	Page
I. INTRODUCTION	9
II. MACHINERY	15
III. CERTIFICATES	18
IV. THE OFFICIAL LOG-BOOK	22
V. THE ADVANCE NOTE	24
VI. APPRENTICES	27
VII. PROVISIONS	34
VIII. MEDICINES AND MEDICAMENTS	47
IX. BRITISH CONSULS AND OTHER FUNCTIONARIES	
ABROAD	52
X. NAVAL OFFICERS	55
XI. WAGES	57
XII. PRINCIPAL OBLIGATIONS OF OWNERS	62
XIII. PLEASURE YACHTS	64
XIV. COLONIAL VESSELS	65
XV. LAW OF MANNING	66
XVI. PENALTIES AND FORFEITURES FOR BREACHES OF	
DISCIPLINE, DESERTION, ABSENCE WITHOUT	
LEAVE, &c.	70
XVII. VOYAGE OF A FOREIGN-GOING SHIP	80
XVIII. VOYAGES OF HOME-TRADE SHIPS	95
XIX. REGISTRY	98

APPENDIX.

	Page
ANALYSIS	106
MERCHANT SEAMEN'S ACT, 7 & 8 VICT. c. 112 . . .	116
SEAMEN'S PROTECTION ACT, 8 & 9 VICT. c. 116 . .	154
MERCANTILE MARINE ACT, 13 & 14 VICT. c. 93 . .	160
MERCANTILE MARINE AMENDED ACT, 14 & 15	
VICT. c. 96	205
SEAMEN'S FUND WINDING-UP ACT, 14 & 15 VICT.	
c. 102	215
STEAM NAVIGATION ACT OF 1851, 14 & 15 VICT.	
. 79.	218

THE SHIPMASTER'S GUIDE.

CHAPTER I.

INTRODUCTION.

THE condition of our Mercantile Marine has at all times engaged the attention of statesmen and legislators. Not only is the prosperity of the country, but its safety, involved in this consideration ; for the merchant service forms the source and resource of our naval power ; and the British sailor has been truly described as " Useful to enrich his country by his skill and labour in time of peace, and to defend it by his daring valour in war."

The Statute Book is loaded with Acts, having for their object the " Increase and Encouragement of Seamen ;" and of late years the mariner's condition has been cared for by the enactment of laws which enable him to obtain prompt redress for imposition or injury, the speedy recovery of his wages, and regulations respecting his provisions, all tending to induce loyalty and contentment in a class of men whose services in time of need it is so desirable to obtain, rather by voluntary than compulsory means.

Much, however, remained to be done. The old adage, that " good masters make good men," is true

in this as well as in other trades. But while attention has been directed, with tolerable success, to the increase and encouragement of seamen; the improvement of those who are in authority over them has not obtained the same consideration.

The progress of our Mercantile Marine is remarkable, and when we reflect on the number of persons directly employed therein, and others indirectly, but greatly interested in its welfare, it may well be considered one of the most important subjects that should engage the attention of statesmen.

From the close of the war in 1815 to 1835 the registered tonnage of the British empire remained nearly stationary. Its rapid increase dates from the latter year; a proof of its growing prosperity, and extending resources, is exhibited in the following Table:—

Number of Ships, Tons, and Men belonging to the British Empire, on the 31st December, in the following Years.

Years.	Ships.	Tons.	Men.
1815	24,860	2,681,276	177,309
1820	25,374	2,648,593	174,514
1825	24,280	2,553,682	166,183
1830	23,721	2,531,819	154,812
1835	25,511	2,783,761	171,020
1840	28,962	3,311,538	201,340
1845	31,817	3,714,061	224,900
1850	34,288	4,232,962	239,283
1852	34,402	4,424,392	243,512

Being an increase of 8891 ships, 1,640,631 tons, and 72,492 men in the interval between 1835 and 1852.

The increase of upwards of a million and a half of tons involved the necessity for seamen to navigate the ships, and this requirement was effected by the introduction of apprentices under the provisions of the Merchant

Seamen's Act—passed in 1835, the year of progress—the scale of apprentices for tonnage being so nicely adjusted as to meet the demand for seamen. In proof of which the wages before the discovery of the gold diggings remained at nearly the same rate; and during the interval no complaint was made of scarcity or excess.

Of late years, however, complaints have been rife of the insubordination of our merchant seamen; the impunity with which they break their engagements or procure their discharges when induced by higher wages; and the difficulty on the part of masters to obtain redress, particularly in the colonies, owing to the non-observance of some form or regulation—fatal to the agreement—all tending to the expense and inconvenience of ship-owners, the demoralisation of seamen, and destruction of that good feeling which should exist between the master and his crew.

Nor was the complaint confined to the conduct of seamen, for many proofs were adduced of harassing oppression on the part of masters; and the necessity for investing them with increased power for the better maintenance of discipline, although repeatedly urged, was objected to, until security could be taken that they should be responsible for the proper exercise of such power.

Security to some extent was obtained by the establishment of a voluntary examination into character and competency, with the stipulation that the certificate granted might be cancelled or suspended on proof of misconduct. Nearly three thousand masters and mates complied with this regulation, and the government and large companies declined to charter ships unless the commander and the officers possessed certificates. It was evident, however, that a law of this kind, to be useful, must be general, and bear upon the whole merchant service; every master and mate undergoing the test of examination

as to character and competency ; or by previous service becoming entitled to a certificate, without which he should not serve in these capacities ; the certificate to be suspended or totally rescinded upon due proof of misconduct. The officers placed under this responsibility might be entrusted with increased power for enforcing discipline. I will presently show how far this has been accomplished.

The repeal of the Navigation Laws, in 1848, hastened the necessity for dealing with this matter. The cases laid before government clearly proved, that unless our Mercantile Marine was brought under such regulations as should insure competency on the part of the officers, and subordination and contentment on the part of crews, we must suffer serious, and probably irreparable injury, when competing with foreigners, better provided in these respects ; besides inflicting damage upon that element of our national prosperity, which it was so essential to maintain in the best possible condition.

The subject, therefore, engaged the early and earnest attention of government ; and as it was considered desirable to concentrate the supervision of all matters relating to our Merchant Ships and Seamen, under the authority of the Board of Trade, it became the duty of the Right Honourable Henry Labouchere, the President of that Board, to frame the necessary measures, and carry them through parliament.

A more arduous task, all things considered, was never undertaken ; but it was happily accomplished, contrary to the opinions of those, who, aware by experience of the difficulties to be overcome, predicted the impossibility of success.

The course adopted by the Right Honourable gentleman was, perhaps, the only one that could have succeeded ; and should be taken as a model for dealing with difficult subjects, involving large and special interests.

Having availed himself of all the information he could procure, the Right Honourable gentleman prepared his bill for improving the condition of Masters, Mates, and Seamen.

In an eloquent and powerful speech,* full of sound reasoning, supported by convincing proofs, Mr. Labouchere introduced his measure in the Session of 1849; and stated it to be his intention to print the bill, in order that ample time might be afforded for the press and the profession to discuss its merits, during the recess. So far from professing any fixed adherence to the details, by which the measures were to be accomplished, he invited the suggestions of practical men on these points, only stipulating that the *principles* should be held inviolate; and to this determination he adhered throughout, notwithstanding that the machinery was altered, and qualified to meet the views and suggestions of persons conversant with the subject.

The leading principles were these:—

Examination into the competency and character of those in charge of life and property, with certificates to be withdrawn or suspended in case of misconduct.

Regulations for the engagement and discharge of seamen; the advance and settlement of wages, victualling, berthing, and discipline when serving; with a record of character; all conducive to loyalty, contentment, and subordination.

Thus thrown upon the waters during the recess, the measure underwent ample discussion. The opposition instigated by misrepresentation, or adopted from misconception, gradually subsided; the invitation for suggestions from practical men, was responded to; and in the many conferences that took place, the

* The perusal of this able speech will amply repay the reader; it will be found in the Parliamentary Debates, July, 12, 1849.

candid dealing, and readiness to adopt hints for improvement, and the firmness with which those of different tendency was resisted, satisfied all impartial persons of the earnest desire that existed, to produce such a law as was imperatively demanded for the benefit of the interests concerned.

As the value of the measure became recognised, and the good intentions and fair dealing of its promoter generally known, the most influential, talented, and wealthy ship-owners, not only refused to countenance and continue the opposition they had been induced to offer, but became its strongest supporters; and the bill, with its main principles intact, was passed into law by general consent.

Such is the history of the Mercantile Marine Act, a measure which if worked out with the good faith with which it was designed, must henceforth exercise a very beneficial influence over the classes that will come under its regulations.

It remains to bring the Masters and Mates of coasting vessels within its scope, as regards certificates of character and competency; their examination being regulated by a lower standard in navigation:

In the session of 1851, a short act was passed to amend certain portions of the Mercantile Marine Act; and in the session of 1853, the abrogation of the provision which excluded Foreign Masters and Seamen from the Coasting trade, and limited the number of the latter in Foreign-going ships, effected the total repeal of the Navigation Laws. An account of the alteration will be found in Chapter XV.; and the amended Mercantile Marine Act is inserted in the Appendix.

CHAPTER II.

MACHINERY.

"THE Mercantile Marine Act" received the Royal Assent on the 14th Aug. 1850, under the title 13 & 14 Vict. cap. 93.

"An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service."—It has been amended by 14 & 15 Vict. cap. 96, and these acts are now in operation.

By these acts the superintendence of all matters relating to the British Mercantile Marine is transferred to the Board of Trade—

And the law is to be carried into force by means of Local Boards at sixteen of the principal Ports of the United Kingdom—

By Shipping Offices at all the Ports of the United Kingdom—

And by the General Register and Record Office of Seamen in London.

Two gentlemen, of high professional reputation, have been appointed Naval Members of the Board of Trade, to assist by their practical experience in the consideration of all matters connected with the Merchant Service.

The Local Boards are formed by the Mayor or Provost of the Sea Port, a Stipendiary Magistrate, four Members nominated by the Board of Trade, and six Members elected by Voters; the qualification for each Vote being 250 registered tons, employed in Foreign-going Ships.

The duties are to appoint Examiners, Shipping Masters, with Assistants and Clerks, and to superintend and regulate matters connected therewith in their respective ports.

But when Shipping Offices are established in the Sailors' Homes in London, they are to be under the direct control of the Board of Trade.

Shipping Masters have the supervision of the engagement and discharge of crews; adjustment of disputes referred to them; to record character of seamen discharged in their offices; examination of log books; transmission of all returns, &c., required by law; supply of the necessary forms; and they are to give all the aid in their power for promoting the intentions of the act, and to facilitate the procuring of crews, and apprentices.

In Ports not having Local Boards the duty of Shipping Master is performed by officers of customs already established.

The Registrar-General of Seamen, in addition to his duty of recording the voyages of ships and seamen, maintaining a register of such, and of apprentices, &c., transmits certificates of competency, or of service, to all those who are entitled to them, renews those lost, and keeps a general record of character, available for reference when seamen resort to different ports for employment.

In the Registry Office is recorded every document relating to these matters; so that all those registered may be able, without difficulty, to establish claims upon the fund, or to whatever they may be entitled, by obtaining attested proof of their services.

For the purposes of these Acts, Merchant Vessels are divided into two classes, "Foreign-going Ships," and "Home-trade Ships."

The first, comprising all those trading between the United Kingdom and Foreign Parts, except to that

portion of the Continent, between the limits of Brest and the river Elbe. The second, Vessels employed in coasting, or in trading between the United Kingdom and the Continent, within the limits aforesaid.

Foreign-going Ships are liable to all the provisions of these Acts; but Home-trade Ships are only partially so,—the regulations for each will be duly explained in Chapters XVI. and XVII.

Pleasure Yachts, Vessels belonging to the Trinity House, and Vessels employed in fishing on the coasts of the United Kingdom are exempted from the provisions of this act, and Colonial Vessels are partially exempted under circumstances described in Chapters XIII. and XIV.

FORMS.

In order to secure uniformity, and facilitate the business of the Shipping Offices, and the Registry Office, all the returns, &c., required to be rendered, as well as other documents used in the several operations, are printed in sanctioned forms, bearing the stamp of the Board of Trade.

These forms are supplied in sets by the Shipping Masters, and sold by licensed persons; and no other forms than those sanctioned can be used under a penalty; besides that the instruments will not be legally recognised.

As one general system is now established throughout the kingdom, Masters of ships have become conversant with it; and they are assisted by the Shipping Masters, who will not receive any imperfect documents, nor on any account depart from the rules laid down for uniformity.

These forms may appear, at first view, rather multifarious; but practical experience proves that, in

matters of this nature, the filling up of a column under a heading, is a more easy and certain process than any other, on the score of convenience and expedition.

The forms are liable to be changed—after due notice—by sanction of the Board of Trade—and no doubt they will be limited or extended as practice suggests, so as to facilitate the working of the law.

CHAPTER III.

CERTIFICATES.

CERTIFICATES are of two kinds :

Certificates of Competency ; and
Certificates of Service.

First, of Certificate of Competency.

Every Master or Mate engaging in either of such capacities for the first time on board a Foreign-going ship, on and after the 1st of January 1851, must pass an examination regulated by the Board of Trade, when he will receive a Certificate of Competency. Certificates of Competency, or of Service, may be either of a grade appropriate to the stations held for the time being, or of a superior—but not of inferior—grade.

The Master's Certificate enables him to take charge of a ship of any size, and in any trade. But those of Mates are divided into three classes, of appropriate Certificates, namely :—

FIRST MATE—ONLY MATE—SECOND MATE.

The FIRST MATE may engage as such, whether First, Second, or Third. The ONLY MATE as First Mate, when there is no other ; or as Second Mate

where there is a First Mate. The SECOND MATE cannot engage as First Mate, or ONLY Mate, but only in cases where a First Mate, or ONLY Mate, is also engaged.

Certificates of Competency as Masters will be also granted to those who have passed the examination under the Regulations of the Board of Trade, dated 19th August, 1845, and may be granted to those who produce proof of having held certain rank in the Navy, or the East India Company's service; and Certificates of Competency as First Mates, without distinction of classes, to those who have obtained certificates as Mates under the aforesaid Regulations. An entry is made on the back of these Certificates stating the Class of Examination already passed.

Certificates of Competency, whether of Masters or Mates, granted in exchange for existing Certificates, bear a *green* seal.

Masters who have passed the higher examination under the new law, have Certificates bearing a *blue* seal.

All other Masters' Certificates bear a *red* seal.

First Mates' Certificates bear a *blue*, ONLY Mates' a *red*, and Second Mates' a *yellow* seal.

CERTIFICATES OF SERVICE

are granted to all Masters and to Mates without distinction as to Classification, who have served in these capacities prior to the 1st of January, 1851, upon their filling up a form, which is to contain an account of their services, which form may be procured at any Custom House, and must be forwarded to the Registrar-General of Seamen in London for verification.*

* See Chap. XV., for the law respecting Foreigners becoming Masters of British Ships.

All Certificates of Competency are signed by the Officers of the Naval department of the Board of Trade, and issued by the Shipping Masters of the several Ports, by whom they are delivered to the parties. They are in duplicate, and the office copy is returned to the Registrar-General of Seamen, and by him placed on record.

Certificates of Service are issued in like manner, the duplicates being recorded.

Certificates, whether of Competency or Service, may be cancelled or suspended when the possessor is convicted of Felony, or sentenced to imprisonment, under the "Merchant Seaman's," or the "Mercantile Marine Act," or suspended by order of any naval court abroad; and also if the possessor is reported unfit to discharge his duties through incompetency, habitual drunkenness, or tyrannical habits, upon an investigation instituted by direction of the Board of Trade or a Local Board. This will prevent any person so deprived from serving in such capacity in a Foreign-going ship.

When a Certificate is lost by fire or wreck a renewed one (copied from the Office counterpart) will be granted upon application in form to be obtained at any Shipping Office, and for this no fee is charged. But when a Certificate is lost through any other cause, a fee of five shillings for a Master's Certificate, and two shillings and sixpence for a Mate's Certificate, must be deposited with the Shipping Master when application for a renewal is made.

These regulations apply to both Certificates of Competency and Service.

The Certificate of Service will not qualify a Master or Mate to serve in any ship chartered by government; or by those Companies which have hitherto required a Certificate, granted under the Regulations of 19th of August, 1845

As the nature of the Examination to be instituted for the several classes is regulated by the Board of Trade, and it has been signified that the standard of qualification will be raised after a time, I shall say no more on this subject. Those who wish for full explanation on this point, will find it in "The Mercantile Navy List," published yearly by authority of the Board of Trade, which contains all the existing regulations, as well as the names of the Members of Boards, Shipping Masters, Licensed Agents, Masters and Mates possessing Certificates of Competency, Lists of Cancelled Certificates, and other information important to those connected with the mercantile marine.

CHAPTER IV.

THE OFFICIAL LOG-BOOK.

THE Master of every Foreign-going ship must keep an official log-book.

These log-books may be either united with, or kept distinct from, the ordinary ship's log-book ; and for this purpose special forms, have been issued by the Board of Trade, in which spaces for the usual entries are united with spaces for the entries required by the act ; and a separate form, has also been issued in which nothing will be written except the entries required by the Mercantile Marine Act. Those who do not wish to subject their general log-book to the scrutiny of a Shipping Master can adopt the latter.

These forms of log-books were intended, the one for Foreign-going and the other for Home-trade ships, but the amended Mercantile Marine Act relieves the latter from the necessity of having official log-books.

The particulars required to be entered are enumerated under the head of "Directions" in each book ; therefore it is only necessary to state that all matters requiring to be proved in a Court of law should be inserted and attested ; and also that entries must be made of all fines or forfeitures intended to be deducted from the wages of the crew.

The law requires that blanks shall be filled up with the entries of character of the crew ; conviction of any member of the crew ; offences respecting which a fine is imposed ; serious illness, death, and cause of death ; entry or discharge ; and all entries in log-book are

to be signed by a mate, or if there is no mate, by the carpenter, boatswain, or one of the oldest members of the crew. When the entry imposes a fine, or relates to misconduct, it must be read over to the offender before witnesses.

If a ship is transferred, the master or transferrer shall, within one month, if in the United Kingdom, and within six months if elsewhere, deliver or transmit to the Collector or Comptroller of Customs, or Shipping Master of the port in which the ship was registered, the official log-book, duly made up to the time of transfer, and if the ship is *lost*, as soon as possible after the time of such loss.

The official log-book of a "Foreign-going ship" shall be delivered to the Shipping Master within forty-eight hours of the ship's arrival. In the case of a "Home-trade ship," when an official log-book is kept, it is not required to be delivered to the Shipping Master.

These log-books are to be returned, if demanded, after a certain period; and without the production of a certificate of their deposit, the Customs will not grant clearance inwards to Foreign-going ships.

Masters of Foreign-going ships should provide themselves with one or more log-books at the commencement of the voyage; and masters of Home-trade ships, although not required by law to keep official log-books, will find it conducive to their interests to be provided with them, in order to enter offences punishable by deductions from wages, as fines cannot be enforced unless the entries are duly made.

CHAPTER V.

THE ADVANCE NOTE.

WHEN framing the Mercantile Marine Bill, it became a matter of grave consideration whether it was expedient to abolish or to recognise the Advance Note.

Those who objected to the note very truly argued, that it was productive of fraud, insubordination, and desertion; that the seamen seldom obtained for it half the value it represents, because the forgery of the document itself was so easy, and the conditions under which payment could be claimed so uncertain, that the tradesman or discounteer ran great risk.

After long discussion, it was resolved to retain the note, and make such provisions respecting it as should prevent fraud, and consequently raise its value; for although it is desirable to limit the use of it as much as possible, the abrogation by law would certainly be evaded, and place the seaman in a worse position than before.

The old advance note was printed on a slip of paper, and could be purchased at any stationer's shop in seaport towns; and of late years it had been subject to the Stamp Duty of one shilling, which was paid by the recipient.

Its value was deteriorated on three accounts:—

First: The facility with which it could be fraudulently concocted, or a genuine one multiplied by forged imitations.

Secondly: The condition of payment, which required that the seaman should have gone to sea in the ship.

Thirdly: That even when the note was genuine, and the condition performed, the broker at whose office it was made payable would often object to pay it, alleging that the master or owner had made no provision for such purpose.

These three contingencies the provisions of the Mercantile Marine Act are intended to remedy.

First: By issuing under safeguards, and from the shipping-office only, a note difficult to imitate, bearing the engraved seal of the Board of Trade, to forge which involves heavy penalties.

Secondly: Providing means of convicting and punishing those who do not perform their engagement, *i.e.*, go to sea in the ship after signing articles and receiving advance.

Thirdly: By obliging the party on whom it is drawn to pay it, if certain conditions are performed; so that the discount may, with ordinary precaution, afford to give for the note the value it represents—less a moderate discount—and the rate of discount must be low, under the competition that will arise.

The Stamp Duty was removed by the 22nd Section of the Mercantile Marine Act.

As the law requires that the advance note shall be given in the presence of a Shipping Master, this officer has the custody of, and is the only one permitted to issue the note, which he does from a check-book, giving to each note a number, and entering a corresponding number, with particulars, in the foil from which the note is cut. By this, and other precautions needless to detail, any person inclined to discount the note has the means of ascertaining its validity on application to the Shipping Master; so that the detection of spurious notes will be certain, and the conviction of offenders easy.

The law provides, that the conditions being performed, the person who has drawn or *authorised* the drawing of the note is liable for the payment. If (as will be often the case) the Shipping Master fills in the agreement, he will obtain the *authority* of the owner or broker, on whom the notes are drawn, before he inserts the condition; if he does not draw, but

only superintends the execution of the agreement, then he will demand this authority before he *issues* the notes from his custody; and if the authority is refused, he will signify the fact to parties applying.

These two essentials being disposed of, there remains but one contingency which affects the value of the note—the condition, that the seaman goes to sea in the ship.

The 61st Section of the Mercantile Marine Act has been repealed, and a provision substituted by Section 17 of the amended Act, (see Appendix), which makes the person authorising the granting liable for the payment, if the seaman sails in the ship from the Port of departure specified in the note, or is discharged with the *consent of the Master*. The proof to the contrary must be, either the production of the official statement of the change, on the form G, or in some other manner. The Owner should therefore hold the Master responsible, if he neglects to comply with the law. He is besides liable to a penalty.

I consider, that in addition to the vast benefit the seaman derives from realising within a shilling or two the value which the note represents, the working of the system will tend very greatly to prevent desertion. Most men are disposed to accept the advance; the provident to leave a little money for their wives or relations, and the improvident to pay off lodging-house scores and procure the necessary outfit.

CHAPTER VI.

APPRENTICES.

It is no longer imperative on ship-owners to maintain apprentices for tonnage. The 37th Section of the Merchant Seamens' Act, containing this provision, and also stipulations as to age, and term of indenture, was repealed by the 12 and 13 Victoria, cap. 29, and Apprentices may be carried or not at the option of the owner; but when apprentices are bound to the sea service, their indentures must be made on the forms, and other regulations respecting them complied with. I shall presently explain these regulations.

I am a strong advocate for the system of apprenticeship, from the observation of many years, strengthened by the opinions of practical men, which I have such ready means of eliciting.

In all trades and crafts a certain indenture is necessary to insure good workmen, and to maintain the reputation for skill. But in no profession is this necessity more imperative than in that of the Mariner, who unless he commences his career early, and is kept steadily to his work, will rarely become what is designated a thorough-bred seaman.

Boys engaged for a voyage are constantly changing their occupation, often resorting to tramping, vagabondising, and other evil courses; and instead of learning their especial craft by the restraint of an indenture binding them sufficient time for such purpose, become, what the old adage truly represents such characters—"Jacks of all trades, and Masters of none."

But a lad inducted early into the severe school of

ship discipline, trained to obey, fully instructed in the duties he has to perform, and daily acquiring skill in the practice, will become an able and tractable seaman, obedient to lawful command, respectful to his superiors, and being fitted for no other trade, he must adhere to his own.

The number of apprentices indentured between the years 1835 and 1848, during which time a compulsory law for their maintenance existed, was upwards of one hundred thousand—merging annually into between six and seven thousand seamen, sufficient to replace casualties and supply our increasing tonnage, without depressing wages by overloading the labour market.

Could circumstances have warranted such a supervision, as should have insured that this vast accession of young blood was selected from a good source, and some security taken that the apprentices should serve out their time of indenture, our merchant seamen would now have presented the appearance, and established the character, which I am sanguine in believing they will merit and obtain hereafter, under the means that are made now available for a careful selection of the stock, a due regard for the training, and security that the conditions of the indenture shall be performed until the expiration of the term.

The Shipping Offices, established under the Mercantile Marine Act in all the sea ports of the kingdom, will afford the opportunity for parents and guardians of boys inclined for a sea life, to enrol their names upon a list of candidates, stating the premium or security offered, the outfit provided, &c.,—stipulating that they shall be bound to owners, not masters, of ships; and to these registries at the Shipping Offices owners will resort when in want of apprentices. Time will be afforded to make inquiry into character and responsibility; and if the candidates are sent to

Nautical Schools in the large sea ports, they will not only be deriving initiatory instruction, but at hand when occasion offers for binding them.

This arrangement will insure a very superior class of boys to those who have hitherto been indentured. I have abundant evidence that many candidates have been deterred from the attempt, owing to the frauds and extortions practised by advertising agents; and I am certain that when means of procuring respectable lads, with ties to home and kindred, are made available to ship-owners, they will find it to their profit and advantage to employ bound apprentices, rather than boys for a voyage; to say nothing of the vast improvement which would be gradually working upon the whole class of seamen. The apprentices when not received at home in intervals between voyages, might be placed in the schools established in the Sailors' Homes, having their proper seasons for recreation.

What can be expected from an outcast boy, born in misery and inducted in crime, one whose reminiscences of childhood must engender anything but a grateful feeling to the place of his birth, who has no tie to bind him, and is, therefore, ready to engage in any service or any enterprise regardless of consequences?

The selection and training of our future seamen is of such importance, that when the matters dependent on the change of law are finally arranged, I trust it is the first point that will come under consideration, and I am certain that any proper regulations proposed or promoted for this purpose by ship-owners will have the countenance and assistance of government.

The following regulations still apply to apprentices :—

Apprentices bound to the sea service must be brought into the presence of the Registrar of Seamen in London, or the Collector and Comptroller of

Customs at the outports, whether for the purpose of enrolling, assigning, or cancelling their indentures.

The masters of all existing apprentices are also required to bring them before the aforesaid officers; and to produce their indentures.

The law requires that indentures shall be executed in triplicate, in the case of parish, and duplicate in the case of ordinary apprentices, in order that one part may be placed on record, and the other *accompany the apprentice wherever he may be serving.*

This will obviate the necessity for ship-owners (who have many apprentices, and employ them indifferently in any of their vessels) retaining the indentures in their possession for safe custody; as they can always have access to the counterpart in the archives of the General Register and Record Office of Seamen, in London, or obtain an authenticated copy.

The law recognises two descriptions of apprentices in the sea service. Those put out by parish officers, and those indentured by consent of their parents or guardians, or by their own act. There is a difference in the regulations to be observed in binding, because the provisions of the Poor Law Act require the sanction of justices of the peace for indenturing the children of paupers. The indenture of an ordinary apprentice in duplicate and on the sanctioned form, may be for any term agreed on, and the age is immaterial, but the indenture becomes void when the apprentice attains to twenty-one years.

The regulations to be observed with respect to the binding of parish apprentices, are set forth in the 32nd and the four following sections of the Merchant Seamen's Act; and as the filling up of the indentures, and other forms, is performed by the parish officers, the master has nothing more to do than to execute the deed, which is to be in triplicate, in order that the parish may retain a part; to take care that

a counterpart of the indenture is deposited with the Registrar of Seamen in London, or the Collector and Comptroller of Customs at the outports, retaining the other himself; and to insist that the apprentice's outfit in the shape of sea clothing, bedding, and other necessaries furnished by the parish, is of the value of five pounds. In other cases the indenture is executed in duplicate.

The forms of the indentures described in the Schedules to the Merchant Seamen's Act, are altered, in order that the name of a surety may be inserted when such surety can be obtained; and these forms are issued under the seal and sanction of the Board of Trade. The circle marked L S should have a wafer or seal attached, to perfect the instrument.

Within ten days after the execution of the indenture, the apprentice must be brought into the presence of the Registrar of Seamen in London, or the Collector or Comptroller of Customs at the out-ports, in order that the indenture may be enrolled. The indenture must always be in the possession of the master of the vessel in which the apprentice is serving, except when deposited with certain authorities abroad. At the end of the term it is to be delivered up to the apprentice.

Apprentices may be assigned to any other owner or master of a registered ship, by the master or his executor or administrator, and with the consent of the apprentice, if of the age of seventeen years and upwards, otherwise with the consent of his parent or guardian; the assignment must be registered by one of the aforesaid officers and the apprentice present. In like manner all cancellations of indentures are to be registered, and the consent of the aforesaid officers obtained for such cancellation before it is legal. In the case of parish apprentices, the consent of the

Poor Law Guardians who subscribed to the binding, must also be obtained and testified by a copy of the Minute of the Board, to be forwarded by the clerk of the guardians. In consequence of some doubts having arisen as to the cancellation of indentures, and the authority of magistrates with respect to apprentices, the following opinion of the Crown lawyers was obtained :—

Temple, 6 May, 1845.

We are of opinion that the parties to an Indenture of Apprenticeship cannot by mutual consent cancel the indenture without the consent, or in the absence of the Registrar of Seamen, or of the Collector or Comptroller of Customs.

We think that the powers heretofore possessed by Justices of the Peace to discharge an apprentice in case of the misconduct of the master, are not affected by the provisions of the Statute 7 and 8 Vict. c. 112.

(Signed)

W. W. FOLLETT,
FREDK. THESIGER,
RICHARD GODSON.

Apprentices may be employed, during their term of indenture, on board any vessel of which the master for the time being of such apprentice is the master or owner.

It is necessary that the consent of the Marine Society should be obtained to the cancellation or assignment of any apprentice bound to an owner or master of a ship by such society.

No master of a vessel is to suffer an apprentice to quit his service, or the service of the ship, after he shall have proceeded on the voyage, except for the purpose of entering into the Royal Navy, under penalty of twenty pounds.

When the consent of the master is obtained for the apprentice to enter the navy, the master is entitled to receive any balance of wages and prize-money that becomes due to the apprentice, until the expiration of

his term, provided he gives notice to the Secretary of the Admiralty of his consent for the apprentice to remain in Her Majesty's service.

Masters of vessels are to produce the indentures of their apprentices, when required to do so by officers of Queen's ships, Her Majesty's Consuls abroad, the Registrar of Seamen or his Assistant, or the Officers of the Board of Trade and of Customs, and also to deposit them with certain authorities in foreign or colonial ports ; instructions respecting which will be found in Chapter XVII.

No apprenticeship for the purposes of the Merchant Seamen's Act (whether parish or otherwise) shall be binding after the apprentice has attained twenty-one years of age ; and should the termination occur at sea, the apprentice is nevertheless to continue his service ; but after the lapse of one month he shall be entitled to the wages of an able-bodied or ordinary seaman, according to his qualification ; and his indenture, shall be given up to him, together with his discharge, on the ship's arrival at her final port of destination in the United Kingdom.

In case of the death or desertion of any apprentice on shore, or non-employment, by reason of his master's vessel not having made a voyage for six months, or cancellation of indenture, notice must be given in writing, by the master of the apprentice to the Registrar of Seamen in London, or Collector or Comptroller of Customs at the out-ports.

Having received several inquiries from the guardians of Poor-law Unions, with reference to the means of procuring masters for pauper boys ; I recommend them to apply to the Shipping Master of the nearest port, and to remind them that the 6th Section of the Seamen's Protection Act has been amended by the 3rd Section of the Mercantile Marine Act, and that the law now clearly states that no unlicensed person

shall provide an *apprentice*. Under 14 & 15 Vict. c. 35, Irish Poor-law Unions are authorised to bind out boys under the provisions contained in the Merchant Seamen's Act.

CHAPTER VII.

PROVISIONS.

THESE Acts do not alter the law with regard to victualling ; a certain scale must be inserted in the agreement, with substitutes for articles that cannot be conveniently obtained ; and when short allowance becomes necessary, the deficiency is to be paid for at the rate of fourpence per day if reduced one-third, and eightpence per day if reduced more than one-third. The only new provision is, that scales, weights, and measures must be provided, and kept ready for use, under a penalty of ten pounds.

As disputes frequently arise respecting the quality of the provisions, and it is desirable on the score of health and efficiency that the crew of a ship should be properly treated in this respect, it behoves ship-owners to give strict attention to this matter, as of late years a vast deal of inferior quality has been brought into the market. Should any three or more of the crew make complaint on this score, either at home or abroad, a survey of the articles objected to shall be made, and if any is found deficient in quantity, or unfit for use, notice is to be given to the master, who will be guilty of a misdemeanor if he does not remedy the defect.

As a survey and its consequences may often cause serious expense and inconvenience, it is the interest of

the owner to take proper precautions that the articles purchased for his ships are of good quality.

Circumstances vary so greatly in different trades and climates, that no *general* scale of provisions would be available for all ; for, although this is the case in the Royal Navy, it will be seen by the official scheme of victualling appended to the end of this chapter, that there are very many articles to be substituted for others, to meet the alternatives that occur in different climates. Moreover, it has recently been considered necessary to increase the Naval ration of salt meat from three-quarters of a pound to a pound per day, in consequence of the great waste in boiling which has occurred of late years. In its amended shape the Naval Scale is ample for its purpose, but not sufficient for the crews of merchant ships, where the work is harder, and the same strict attention cannot be observed either in the preparation of food, or the regularity of meals.

It is extremely desirable, however, that some general scale, with articles to be substituted, should be adopted in the Merchant Service, in order that it may be recognised by ships' crews ; leaving any variation to be matter of stipulated exception, and the following scale promulgated by the Committee of the General Ship Owners' Society, appears to be well calculated for general purposes :—

SCALE FOR VICTUALLING MERCHANT VESSELS AT SEA.

For each Man for Fourteen Days.

DAYS OF THE WEEK.	Bread.	Salted.			Flour.	Rice.	Pease.	Tea.	Sugar.	Mustard.	Water.	Per Act of Parliament.			
		Be	ef	Pork.								Vinegar.	Lemon or Lime Juice.	Sugar for Lime Juice.	
Sunday . .	As much as they can eat without waste.	1b.	1b.	1b.	1b.	pt.	oz.	lb.	o z.	qt.	pt.	oz.	oz.		
Monday . .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Tuesday . .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Wednesday .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Thursday . .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Friday . .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Saturday . .		1½	—	—	—	—	—	—	—	—	—	—	—	—	—
Sunday . .	As much as they can eat without waste.	—	1½	—	—	One pound per week.				To be considered as an extra, and issued at the discretion of the Master.					
Monday . .		1½	—	—	—										
Tuesday . .		1½	—	—	—										
Wednesday .		1½	—	—	—										
Thursday . .		1½	—	—	—										
Friday . .		1½	—	—	—										
Saturday . .		1½	—	—	—										
Totals for 14 days	—	8½	8½	3	2	1½	3½	1½			42	1	7	7	

SUBSTITUTES.

1 oz. of Coffee or Cocoa or Chocolate may be substituted for ½ oz. of Tea.

Molasses, for Sugar; the quantity to be one-half more.

1 lb. Potatoes or Yams to be considered equal to ½ lb. Flour or Rice, or ½ pint Pease.

When FRESH MEAT be issued, the proportion to be 2 lb., per man per day, in lieu of Salt Meat, Flour, Rice and Pease.

The allowance of Small Stores being considered as an equivalent for Spirits, Spirits are only to be issued under particular circumstances at the discretion of the Master.

By the Merchant Seamen's Act (7 and 8 Vict. c. 112, s. 18).—

Lime or Lemon Juice, Sugar, and Vinegar, are to be served out to the Crew, whenever they shall have been consuming Salt Provisions for Ten Days. The Lime or Lemon Juice and Sugar daily, after the rate of half an ounce of each per day, and the Vinegar weekly, at the rate of half a pint per week to each person, so long as the consumption of Salt Provisions be continued.

By order of the Committee,

72, Cornhill, Dec., 1844.

NATHL. W. SYMONDS, Secretary.

Should the foregoing scale be adopted, the following computed Table, founded thereon, will be found useful in providing the necessary quantities for any number of men, for Voyages of different periods.

No. of Men to be victualled for a Lunar Month.	PROPORTION OF EACH SPECIES OF PROVISION FOR A LUNAR MONTH OR 28 DAYS.											
	Salted Beef and Pork each.		Flour.	Rice.	Pease.	In lieu of Spirits.			Water.			
						Sugar.	Tea.	Coffee, Cocos, &c., as Substitutes.				
	lbs.	os.	lbs.	lbs.	gls.	pts.	lbs.	lbs.	os.	lbs.	os.	Galls.
1	17	8	6	4	0	3½	3	0	7	1	12	21
2	35	0	12	8	0	7	6	0	14	3	8	42
3	52	8	18	12	1	2½	9	1	5	4	4	63
4	70	0	24	16	1	6	12	1	12	6	0	84
5	87	8	30	20	2	1½	15	2	3	8	12	105
6	105	0	36	24	2	5	18	2	10	10	8	126
7	122	8	42	28	3	0½	21	3	1	12	4	147
8	140	0	48	32	3	4	24	3	8	14	0	168
9	157	8	54	36	3	7½	27	3	15	15	12	189
10	175	0	60	40	4	3	30	4	6	17	8	210
11	192	8	66	44	4	6½	33	4	13	19	4	231
12	210	0	72	48	5	2	36	5	4	21	0	252
13	227	8	78	52	5	5½	39	5	11	22	12	273
14	245	0	84	56	6	1	42	6	2	24	8	294
15	262	8	90	60	6	4½	45	6	9	26	4	315
16	280	0	96	64	7	0	48	7	0	28	0	336
17	297	8	102	68	7	3½	51	7	7	29	12	357
18	315	0	108	72	7	7	54	7	14	31	8	378
19	332	8	114	76	8	2½	57	8	5	33	4	399
20	350	0	120	80	8	6	60	8	12	35	0	420
25	437	8	150	100	10	7½	75	10	15	43	12	525
30	525	0	180	120	13	1	90	13	2	52	8	630
35	612	8	210	140	15	2½	105	15	5	61	4	735
40	700	0	240	160	17	4	120	17	8	70	0	840
45	787	8	270	180	19	5½	135	19	11	78	12	945
50	875	0	300	200	21	7	150	21	14	87	8	1050

REMARKS.

1. As the allowance of salted beef and pork is the same, the second column contains the quantity of each, and in taking the

proportions from the table, the amount must be doubled, to obtain the necessary supply of salted provisions ; or taken out twice, once for salt beef, and then for salt pork.

2. Should the substitutes for tea be given for 14 days, half only of each quantity expressed in the 7th and 8th columns will be necessary ; and thus for any similar proportion of time.

PROBLEM.

Given the number of days for which it is required to victual a ship's crew, consisting of a given complement of men, with each species of provisions.

Multiply the proportions in the columns against the complement of men, by the number of months for which they are to be provisioned, and the products will be the required quantities.

EXAMPLE.

A ship's crew, consisting of 40 men, are to be provisioned for five lunar months, or 140 days : required the proportion of each species of sea provisions.

Against 40 in the table (the complement of men) will be found the quantities required for one lunar month, which multiplied by five, produces the following quantities of each kind of provisions :—viz., 3500 lbs. of beef, and the *same* quantity of pork ; 1200 lbs. of flour ; 800 lbs. of rice ; 87 gals. 4 pts. of pease ; 600 lbs. of sugar ; 87 lbs. 8 oz. of tea, or of its equivalents, coffee, cocon, or chocolate, 350 lbs. ; and 4200 galls. of water.

REMARKS.

The salt beef being generally cut into pieces of 8 lbs. each, and the salt pork in 4 lbs. pieces ; the pounds of salt beef being divided by eight, and the pounds of salt pork by four, their respective quotients will give the number of pieces of each kind of meat—Thus in the above example 437½ pieces of salt beef, and 875 pieces of salt pork.

As a drawback of the duty is allowed on the several articles in the victualling bill required for a vessel's supply when proceeding abroad, it becomes necessary that the owners or the masters should be correctly informed of the number of days, which the Customs authorities have assigned for the voyage to and from every place, as well as the quantity of goods that is allowed as stores duty free. I insert a list of each, copied from the official papers.

A LIST of the Average Number of Days at which may be estimated the duration of a Voyage from the United Kingdom to the different Ports enumerated, and back.

Ports of Destination.	Days' Voyage.	Ports of Destination.	Days' Voyage.
Abo	100	Buenos Ayres . . .	240
Algiers	120	Bay of Campeachy . .	240
Almeria	100	Barcelor	365
Azore Isles	90	Bombay	365
Alicant	110	Bengal	400
Altea	110	Botany Bay	420
Antigua	180	Batavia	400
Augustine's Bay . . .	150		
Ancona	160	Corunna	80
Alexandria	180	Cadiz	90
Ascension Isle	240	Carlscrona	100
Archipelago Isles . . .	180	Carthagena	100
Annabona	180	Cape de Verd Isles, viz.	} 100
Archangel	120	St. Antonio	
Australia	420	St. Vincent	
Alexandretta	180	St. Jago	
Aquapulca, Mexico. . .	450	Ceuta	120
		Canaries, Isles	95
Bremen	42	Christiana	100
Bayonne	80	Copenhagen	100
Bilboa	80	Cette	130
Bordeaux	80	Civita Vecchia	130
Bergen	100	Coraiça Isle	130
Bona	120	Cayenne	180
Bornholm	100	Cape Hayti	210
Barcelona	110	Charlestown	120
Bay of Roses	110	Chesapeake Bay	120
Baltimore	120	Cuba	210
Bahama Isles	150	Curaçoa	180
Barbadoes	180	Cronstadt	100
Berbice	180	Candia Isle	160
Bermuda	120	Cephalonia	160
Boston	120	Corfu Isle	160
Bahia	200	Calabar	180
Brazils	200	Cape Coast Castle . . .	200

Ports of Destination.	Days' Voyage.	Ports of Destination.	Days' Voyage.
Carthageua, Spanish } Main	240	Guadaloupe	180
Cape St. Mary	180	Greek Islands and } Greece	180
Constantinople	180	Gallipoli	180
Columbia River	700	Greenland Fishery	180
Cumana	240	Gorce	190
Cyprus	180	Guayaquil	420
Cape of Good Hope	240	Guagapatam	400
Callao	400	Goa	365
Coquimbo	400		
Chili	360	Hamburg	42
Calcutta	400	Heligoland	42
Columbo	365	Hayti	210
Ceylon	365	Halifax	120
Cuddalore	400	Havannah	200
China	420	Honduras	240
Canton	420	Hudson's Bay	240
		Hobart Town	400
Dantzic	100		
Drontheim	100	Iceland	100
Delaware Bay	130	Ivica	110
Demerara	150	Italy	130
Dominica	180	Jamaica	210
Davis' Straits	240	Iale of Sable	120
		Ionian Isles	130
Embden	42	Islands in the Archi- pelago	180
Elbeing	95	Isles of France and } Bourbon	270
Elaineur	100	Java	400
Elba Isle	130		
Essequibo	180	Konigsberg	100
Ferro Islands, North Sea	100	Lisbon	80
Faro Island, Canaries	95	Lubeck	100
Ferrol	80	Leghorn	130
Fayal	80	Long Island	130
Fernando Po	180	La Guayra	240
Falkland Islands	240	La Concepcion	400
Friendly Islands	420	Lima	400
		Ladrones	430
Gottenburg	100		
Gibraltar	100	Maëlstrom	100
Genoa	130		
Grenada	180		

Ports of Destination.	'Days' Voyage.	Ports of Destination.	'Days' Voyage.
Malaga	100	New South Wales	400
Madeira	90	New Zealand	400
Memel	100	Negapatam	400
Mogadore	120		
Majorca	110	Oporto	80
Minorca	110	Odessa	240
Marseilles	130	Otabeite	420
Messina	130	Owhyhee	420
Montreal	150		
Malta	140	Petersburg	100
Martinico	180	Pillau	100
Marigalante	180	Placentia Harbour	120
Miramichi	100	Port St. John, New- } foundland	120
Montserrat	180	Port au Prince, Hayti . .	210
Maranham	180	Palermo	130
Monte Video	230	Pensacola	190
Madagascar	270	Philadelphia	120
Mexico, <i>vide</i> Vera } Cruz & Aquapulca }		Porto Rico	210
Mogadore	105	Providence, Bahama } Islands	160
Mauritius	270	Pernambuco	190
Madras	400	Porto Bello	240
Malabar	365	Para	185
Malacca	400	Panama	420
Manilla	420	Peru	400
Mangalore	365	Philippine Islands	420
Masulipatam	400	Pondicherry	400
Mocha	365	Pellew Islands	420
Nantes	80	Quebec	150
Newfoundland	120	Queen Anne's Point . . .	180
North Bergen	100		
Naples	130	Rochelle	80
Narbonne	130	Revel	100
Nice	130	Riga	100
Nevis	180	Rugen	100
Nova Scotia	120	Rome	130
New York	120	Rhode Island	180
New Brunswick	120	River Gambia	190
Newport	120	Rio Grande	200
New Providence	165	Rio Janeiro	200
New Orleans	190		
New Guinea	400		

Ports of Destination.	Days' Voyage.	Ports of Destination.	Days' Voyage.
St. Andero	80	Sumatra	400
St. Ubes	80	Society Islands	420
Salee	120	Swan River	365
Stettin	100	Singapore	365
Stockholm	100	Surat	365
St. Antonio	95	Sandwich Isles	420
St. Jago		South Sea Fishery, } 3 Yrs.	
St. Vincent		for 2, 3, or 4 years }	
St. John's, Newfound- } land	120	Tangiers	120
St. Mary's	95	Trinity Bay	120
St. Michael's, Azores .	80	Tunis	120
St. John, New Bruns- } wick	120	Tarragona	110
St. Andrew's, ditto . .	120	Tonningen	42
Salerno	130	Toulon	130
Sardinia Isle	130	Tripoli	120
Susa	120	Teneriffe	95
Savannah	150	Tortola	180
Syracuse	140	Tobago	180
St. Augustine's Bay . .	150	Trinidad	180
St. Bartholomew . . .	180	Trieste	160
St. Croix	180	Truxillo	410
St. Christopher's . . .	190	Timor	420
St. Domingo	210	Tellicherry	365
St. Eustatia	180	Tranquebar	400
St. Lucia	180	Trincomalee	390
St. Martin	180	Vigo	80
St. Thomas	180	Valentia	110
St. Vincent's	180	Venice	160
Salonica	180	Vera Cruz	260
Santa Martha	240	Venezuela	240
St. Salvadore or Bahia	200	Valdivia	400
St. Sebastian	210	Valparaiso	400
Senegal	180	Van Diemen's Land . .	365
Sierra Leone	180	Wyburg	100
Scanderoon	180	Zara	160
Syra	180	Zea	160
Smyrna	180	Zante Isle	160
St. Helena	240		
Sydney, New South } Wales	400		

LIST OF FOREIGN GOODS

To be allowed to be Shipped as Stores from the Bonded Warehouses, free of Duty.

Tea . . . $\frac{1}{4}$ of an ounce }
and . . . 1 ounce } Per Day for each Person on Board.
Coffee or Cocoa . . . 1 ounce }

With the option to Ship the entire quantity required for the Voyage of either species of these Articles, half an ounce of Tea being considered equal to one ounce of Coffee or Cocoa, —the Tea to be shipped in the original Packages in which Imported.

Wine . . . 1 quart per Day { For the Master, each Mate, and each Cabin Passenger.

Wine Bottled in the Bonded Warehouses for Exportation may be shipped as Stores, in Packages containing not less than 3 dozen reputed Quart, or 6 dozen reputed Pint Bottles.

Spirits, viz.—

Brandy }
Geneva } $\frac{1}{2}$ a Pint per day for each Person
Rum (British Plantation) } on Board.

British Plantation Rum to be in the proportion of one-half of the whole quantity of Spirits shipped.

Each description of Spirits intended as Stores to be shipped in one Cask, capable of containing the entire quantity of Brandy, or of Geneva, or Rum, allowed for the Voyage, or in Casks containing not less than 40 Gallons of Brandy or Geneva, or 20 Gallons of British Plantation Rum, as the case may be;—Provided that if Spirits shall have been Imported in Bottles, or bottled in the Bonded Warehouse for Exportation, the same may be shipped, as Stores, in packages containing not less than 3 dozen reputed Quart, or 6 dozen reputed Pint Bottles.

Raw Sugar and Molasses (together or separate) { 2 ounces per Day for each Person on Board.

Dried Fruits { 2 pounds per Week for each Person on Board.

Rice { 2 pounds per Week for each Person on Board.

Foreign Cigars { $\frac{1}{2}$ an ounce per Day for the Master, each Mate, and each Cabin Passenger.

The entire quantity of Foreign Cigars, allowed as Stores for each Voyage, to be shipped in one Package.

LIST OF BRITISH MANUFACTURED GOODS

To be allowed to be Shipped as Stores on the usual Bounty or Drawback.

British Refined Sugar	{ 3 ounces per Day for the Master, each Mate, and each Cabin Passenger.
British Manufactured Tobacco, $\frac{1}{2}$ an ounce per Day, per Man.	
British Exciseable Goods, viz.—	
Beer, Ale, and Porter (together or separate)	{ 1 quart per Day for the Master, each Mate, and each Passenger.
Vinegar	{ $\frac{1}{2}$ a pint per Week for each Person on Board.
Soap	{ $\frac{1}{2}$ an ounce per Day for each Person on Board.

A SCHEME OF VICTUALLING FOR THE NAVY.

(Sanctioned by Her Majesty's Order in Council of the 24th September, 1850.)

There shall be allowed to every person serving in Her Majesty's Navy, the following daily quantities of provisions, viz. :—

Biscuit	1 lb.
Spirits	$\frac{1}{2}$ gill.
Fresh meat	1 lb.
Vegetables	$\frac{1}{2}$ lb.
Sugar	$1\frac{3}{4}$ oz.
Chocolate	1 oz.
Tea	$\frac{1}{2}$ oz.

When fresh meat and vegetables cannot be issued, there shall be allowed in lieu thereof :—

Salt pork, 1 lb.	} every alternate day.	
Peas, $\frac{1}{2}$ pint		
or,		
Salt beef, 1 lb.	} alternately on the days when salt pork and peas are not issued.	
Flour, $\frac{3}{4}$ lb.		
or,		
Preserved meat, $\frac{3}{4}$ lb....		
Preserved potato or Rice (or $\frac{1}{2}$ of each) $\frac{1}{2}$ lb.		

And weekly, whether fresh, or salt, or preserved meat be issued :—

Oatmeal, $\frac{1}{4}$ pint.....	} per man.
Mustard, $\frac{1}{4}$ oz.	
Pepper, $\frac{1}{4}$ oz.....	

There shall also be allowed weekly, vinegar not exceeding $\frac{1}{4}$ pint per man, for occasional use only, when actually required, but not to be expended unnecessarily, nor considered as subject to be paid for when not used.

Suet and raisins, or suet and currants, shall be substituted for $\frac{1}{4}$ part of the before-mentioned proportion of flour, $\frac{1}{4}$ of the said fourth part in suet, and the other half in raisins or currants, at the following rates, viz :—

$\frac{1}{4}$ lb. of suet, or 1 lb. of raisins, or $\frac{1}{4}$ lb. of currants	} is to be considered equal to 1 lb. of flour.

In case it should be found necessary to issue substitutes for any of the foregoing species of provisions,—

$1\frac{1}{4}$ lb. of soft bread, or 1 lb. of rice or sago, or 1 lb. of flour	} is to be considered equal to 1 lb. of biscuit.

$\frac{1}{2}$ pint of wine, or 1 quart of strong beer, or $\frac{1}{4}$ gallon of small beer	} is to be considered equal to $\frac{1}{2}$ gill of spirits.

1 oz. of coffee, 1 oz. of cocoa, 1 oz. of chocolate, $\frac{1}{4}$ oz. of tea	} are to be considered equal to each other.

1 lb. of sago, 1 lb. of Scotch barley, 1 lb. of pearl barley, 1 lb. of rice	} are to be considered equal to each other.

1 lb. of rice, or 1 pint of calavances, or 1 pint of dhol, or $\frac{1}{4}$ pint of split peas	} is to be considered equal to 1 pint of peas.

1 lb. of rice	} is to be considered equal to 1 quart of oatmeal.

$\frac{1}{4}$ lb. of onions, or $\frac{1}{4}$ of leeks	} is to be considered equal to 1 lb. of other vegetables.

The following scheme shows the proportion of Provisions for each man for 28 days, when not on fresh meat victualling :—

DAYS OF WEEK.	Blacuit.	Spirits.	Salt Beef.	Salt Pork.	Preserved Meat.	F're. Potato or Rice.	Flour, &c.	Peas.	Sugar.	Chocolate.	Tea.	Oatmeal.	Mustard.	Pepper.	Vinegar.
Sunday . .	1 lb.	1 gill	1 lb.	1 lb.	1 lb.	1 lb.	1 lb.	1 pt.	1 oz.	1 oz.	1 oz.	1 pt.	1 oz.	1 oz.	
Monday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Tuesday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Wednesday .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Thursday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Friday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Saturday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Sunday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Monday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Tuesday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Wednesday .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Thursday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Friday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Saturday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Sunday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Monday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Tuesday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Wednesday .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Thursday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Friday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Saturday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Sunday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Monday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Tuesday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Wednesday .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Thursday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Friday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Saturday . .	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Proportion for 28 days }	28	14	7	14	5½	12	5½	7	49	28	7	1	2	1	½ pint weekly, as explained before.

CHAPTER VIII.

MEDICINES AND MEDICAMENTS.

It is obvious that, on long voyages, cases of illness will frequently occur, produced by alternations of climate and temperature, to say nothing of the accidents to which seamen are liable in the execution of their perilous duties. As some alleviation for these mishaps, it has been usual for vessels to carry a medicine-chest; but the application of the drugs being left to the judgment of persons who are supposed to know but little of their effect, it is doubtful whether their administration by unskilled hands may not, in many cases, aggravate the diseases they are intended to relieve. Still it was deemed necessary that medicines should be provided, so as to be available to a medical practitioner, when his services are attainable. Accordingly, a clause to this effect was introduced in 1835; and the provision was further extended by the Merchant Seamen's Act, by which it was enacted, that not only are suitable medicines and medicaments to be provided according to a scale approved by the Board of Admiralty (designed by the Director-General of the Medical Department of the Navy), but that a surgeon shall be engaged when a certain number of persons are on board. The Board of Trade has now cognisance of this matter, and may alter or amend the scale; inspectors are appointed with power to examine and ascertain that the articles are of good quality, and packed in proper vessels; and any person selling or supplying medicines or lime-juice of bad quality is liable to a penalty of twenty pounds.

The following is the scale of Medicines and Medical Stores to be kept on board British Merchant Ships navigating between the United Kingdom and any place out of the same, on and after the 1st



	under 10.	Above 40.
2 yds.	3 yds.	
1 lb.	1 lb.	
2 oz.	2 oz.	
3 lb.	4 lb.	
1	1	1
2	2	2
1	1	1
1	1	1
1	1	1
1	1	1
1	1	1

W. BEECHEY.
H. WALKER.

I take the opportunity
Dr. Beechey, a
and his expe-
been furnished
to the
der of
age, or
ly pos-
addition
Medicine
d sound
ef to be
nt advice
rtance,—
the appear-

January, 1851. Issued by the Board of Trade, under the 7th and 8th Vic., c. 112, s. 18, and the Mercantile Marine Act, 1850, s. 64:—

	Quantities required, varying according to the number of Persons on board, viz., for Vessels carrying				Quantities required, varying according to the number of Persons on board, viz., for Vessels carrying		
	15 Men and under.	Above 15, but under 40.	Above 40.		15 Men and under.	Above 15, but under 40.	Above 40.
Castor Oil . . .	1 lb.	2 lb.	3 lb.	Purging Pills, each to contain of the Compound Extract of Colocynth 4 grs., Calomel 1 gr. . .	4 doz.	6 doz.	8 doz.
Epsom Salts . . .	4 lb.	8 lb.	12 lb.	Purging Powders, each to contain of Calomel 2 grs., Compound Powder of Jalap 1 dr. . .	2 doz.	3 doz.	4 doz.
Calomel . . .	$\frac{1}{2}$ oz.	1 oz.	2 oz.	Compound Chalk Powder . . .	2 oz.	3 oz.	4 oz.
Powder of Jalap . .	..	1 oz.	2 oz.	Dover's Powder . .	1 oz.	2 oz.	3 oz.
Do. of Rhubarb . .	..	1 oz.	2 oz.	Essence of Peppermint (each ounce to contain 1 drachm of the Oil) . . .	1 oz.	2 oz.	3 oz.
Senna Leaves . . .	..	2 oz.	3 oz.	Simple Ointment . .	8 oz.	16 oz.	24 oz.
Cream of Tartar . .	6 oz.	8 oz.	16 oz.	Mercurial Ointment .	4 oz.	8 oz.	12 oz.
Sulphur . . .	8 oz.	12 oz.	16 oz.	Basilicon Ointment .	4 oz.	8 oz.	12 oz.
Alum . . .	1 oz.	2 oz.	3 oz.	Blistering Plaster .	4 oz.	8 oz.	12 oz.
Powdered Ginger . .	1 oz.	2 oz.	4 oz.	Concentrated Chloride of Zinc (Burnett's Solution) . . .	14 pts.	28 pts.	56 pts.
Sulphate of Quinine. Do. for Vessels trading to the East or West Coasts of Africa, to the Coast of China, and Borneo . . .	$\frac{1}{2}$ oz.	1 oz.	2 oz.	(Double the above quantities of Chloride of Zinc to be taken in Steamers.)			
Balsam of Copaiba .	3 oz.	4 oz.	4 oz.	Arrowroot, in Tin Cases . . .	2 lb.	4 lb.	6 lb.
Calcined Magnesia .	6 oz.	12 oz.	16 oz.	Pearl Barley, ditto .	4 lb.	8 lb.	12 lb.
Liquid Ammonia . .	4 oz.	6 oz.	12 oz.	Rice . ditto .	4 lb.	8 lb.	12 lb.
Olive Oil . . .	8 oz.	8 oz.	12 oz.	Mustard. ditto .	1 lb.	2 lb.	3 lb.
Spirit of Turpentine.	8 oz.	12 oz.	16 oz.				
Laudanum . . .	2 oz.	4 oz.	6 oz.				
Bicarbonate of Soda.	8 oz.	16 oz.	24 oz.				
Tartaric Acid . . .	6 oz.	12 oz.	16 oz.				
Citric Acid . . .	4 oz.	6 oz.	8 oz.				
Nitrate of Silver . .	$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.	1 oz.				
Opium Pills, each to contain of Opium 1 gr., Castile Soap 4 grs. . .	2 doz.	3 doz.	3 doz.				
Emetic Powders, each to contain Ipecacuanha 1 scruple, Emetic Tartar 2 grs. . .	2 doz.	3 doz.	3 doz.				
<i>In addition to the above, the following Medicines are to be supplied to Vessels carrying a Surgeon, and having upwards of 40 persons on board.</i>							
Nitric Ether . . .	..	..	2 oz.	Ergot of Rye . . .	..	..	2 oz.
Acetate of Lead . .	..	..	2 oz.	Tincture of Digitalis.	..	..	2 oz.
Croton Oil . . .	..	..	2 drs.	Powder of Ipecacuanha . . .	..	..	1 oz.
Camphor . . .	..	..	1 oz.	Sulphate of Zinc . .	..	..	1 oz.
Tartar Emetic . . .	..	..	1 dr.				
Hydriodate of Potass	..	..	2 oz.				

Articles to accompany the Medicines.

	Quantities required, varying according to the number of Persons on board, viz., for Vessels carrying					Quantities required, varying according to the number of Persons on board, viz., for Vessels carrying			
	15 Men and under.	Above 15, but under 40.	Above 40.			15 Men and under.	Above 15, but under 40.	Above 40.	
Set of Scales and Weights. . .	1 No.	1 No.	1 No.	Adhesive Plaster	1 yd.	2 yds.	3 yds.		
Graduated Drop Measure . . .	1	1	1	Lint . . .	$\frac{1}{2}$ lb.	1 lb.	1 lb.		
Wine Glass, Graduated . . .	1	1	1	Sponge . . .	1 oz.	2 oz.	2 oz.		
Pair of Scissors . .	1	1	1	Cotton Wool . .	2 lb.	3 lb.	4 lb.		
Syringes . . .	2	2	2	Set of Common Splints . . .	1	1	1		
Lancets . . .	2	2	2	Charges of Vaccine Lymph . .	2	2	2		
Bandages, of different sizes . .	12	12	12	Trusses (Single) 36 inches in girth . . .	1	1	1		
Yards of Calico . .	6	6	6	Do. (Double) Do. . .	1	1	1		
Do. Flannel . . .	6	6	6	Enema Syringe, with printed Directions for its use . . .	1	1	1		
Papers of Needles, Pins, and Threads . . .	2	2	2	Elastic Catheter, No. 8. . .	1	1	1		
Tourniquet . . .	1	1	1						
Oiled Silk . . .	1 yd.	1 yd.	1 yd.						

T. H. FARRER,
Secretary.

F. W. BEECHEY.
W. H. WALKER.

In connection with this subject, I take the opportunity to mention, that the late Dr. M'Arthur, a naval surgeon of admitted ability, and of great experience in all quarters of the globe, has published some very valuable observations with reference to the Medical Scale for merchant ships. Every master of a vessel, whether bound on a foreign voyage, or employed in coasting at home, should certainly possess himself of Dr. M'Arthur's book, in addition to the other usually supplied with the Medicine Chest; for it contains not only plain and sound practical directions as to the mode of relief to be adopted in cases that may occur, but excellent advice on another point scarcely inferior in importance,—namely, the means calculated to prevent the appear-

ance of disease, and the regulations that should be established for preserving the health of seamen. Practical information, derived from such a source, cannot fail to be acceptable to those in charge of merchant ships, where the preservation of the health of their people is of such vital consequence.

The same clause which regulates the scale of medicines, also provides that lime or lemon juice, sugar, and vinegar, shall be served out when the crew has been on salt provisions ten days.

The issue of the lime-juice, sugar, and vinegar, is imperative, in certain circumstances, under a penalty of five pounds for every omission ; but citric acid, or any other article of a similar nature, may be substituted for lime-juice.

It having been ascertained that the use of lime-juice on the voyage to our North American Colonies was unnecessary, there being no cases of scurvy under such circumstances, and that the regulation was productive of very great inconvenience to ship-owners, subjecting them to harassing litigations in the Police Courts, got up for the purpose of extortion, the Board of Trade has by order dated 30th February, 1852, dispensed with the regulation as regards vessels employed in that trade ; or when bound to any ports on the Eastern Coast of North America, or on the Atlantic, north of the 35th degree of latitude.

The use of these antiscorbutics is, in general, a very necessary precaution, and the enactment of the provision has met (much to their credit), with the hearty concurrence of ship-owners. Before the regular issue of lime-juice was adopted in the Royal Navy, the ravages of the scurvy were dreadful ; whole crews became so debilitated as to lose their energy, being scarcely able to navigate their ships from port to port. This was the case during Lord Anson's Voyage, numbers of his men perishing

miserably for want of a timely precaution,* which, adopted from the first by that celebrated circumnavigator, Cook, was attended with the happiest results; only one man being lost by sickness, in the vessel under his command, during an absence of three years from England.

Although the ravages of this fell disease have been nearly banished from the Royal Navy, principally by the use of these antiscorbutics; the effects of the scurvy are still painful to contemplate in the merchant-service. And cases are very common where the health of seamen is seriously injured on long voyages.

Considerable benefit is therefore to be expected from this wise and humane enactment. In order to insure that the antidote is duly administered, it might be made into sherbet before it is issued; and when spirits form part of the allowance, mixed therewith. If issued separately, seamen will often neglect or disregard it: and the master of a vessel should recollect, that it is greatly to his interest to keep his crew in health, in order that they may be able to perform their work; and to avoid the expense and inconvenience which sickness would entail on the ship.

A regulation has been generally adopted in the Navy, in troop ships, emigration ships, &c., under which a supply of Sir William Burnett's Disinfecting Fluid is required to be carried to sea, and used for the purification of bilge-water, foul holds, &c. Its utility is so obvious under various circumstances, particularly when apprehension of cholera or fever is entertained, that it should be universally adopted.

* Sir John Barrow, in his "Life of Anson," states, that "out of 510 persons, comprising the crew of that celebrated commander's ship, the *Centurion*, 380 perished, principally from *scurvy*, which had unhappily established itself, before specifics were resorted to."

CHAPTER IX.

BRITISH CONSULS AND OTHER FUNCTIONARIES
ABROAD.

THE authority of the British Consul is greatly extended under these Acts, and his duties very much increased. He is required to have in his possession, during the stay of a vessel belonging to a subject of Her Majesty in his port, the agreement, and indentures, or assigned indentures, of the apprentices; these he is to return to the master a reasonable time before the vessel's departure, with his indorsements thereon, to the effect that the necessary papers have been deposited. But when it shall appear that the law has in any way been neglected or transgressed, he is to make an entry to that effect on the back of the agreement, and transmit a copy of such indorsement, with the fullest information he can collect, to the Registrar of Seamen. The Consul's consent is necessary for hiring or discharging any of the crew, or for permitting any person to be left behind; and he has authority to investigate all cases where a change is required, in order to satisfy himself of the necessity for giving his sanction. He is to recover the amount of wages due to seamen dying elsewhere than on board the vessel, and after deducting necessary expenses, to transmit the balance to the Secretary of the Naval Department, Board of Trade.

When any vessel belonging to a subject of Her Majesty is sold, transferred, or disposed of abroad, the Consul is to require the master to deposit in his hands a sufficient sum of money to defray the pas-

sage of the crew to the United Kingdom, unless they, the crew, shall signify their consent in writing, to complete the voyage.

He is to transmit to the Registrar-General of Seamen a certificate of every desertion, with extract from the ship's official log-book, in order to the conviction of the deserter.

He is to investigate all cases of proposed discharge by reason of inability to continue the voyage, as well as desertions, discharges, or disappearances; and he is authorised to administer an oath under such circumstances. When he sees reason to give his consent for any of the crew being left behind, he is to require the master to pay the amount of wages due to each, either in money or a bill on the owner; and he is to indorse such bill, certifying that it is drawn for money due on account of seamen's wages.

He is authorised, on complaint being made, to investigate any offence that has been committed during the voyage, or after the vessel's arrival in his port; to administer an oath to the witnesses, and at his discretion to cause the offender to be placed under all necessary restraint, as far as practicable, and conveyed to England in any vessel of Her Majesty, or belonging to her subjects; and the depositions taken before him, and certified to be such under his official seal, shall be admitted in evidence.* He may order a passage home for any offender, in any vessel belonging to a subject of Her Majesty bound for England;

* An important amendment has been made with respect to the evidence and the depositions transmitted by Consuls. By the 115th section of the "Mercantile Marine Act," such depositions duly taken and attested, shall be "admitted in evidence provided it be shown that the witness cannot be produced." Heretofore they were only admitted to the same extent as depositions taken before a Justice of the Peace in England.

and also for the witnesses, at the rate of one offender, or two witnesses, for every one hundred tons of the ship's burden.

The Consul may order a survey of the provisions, water, or medicines, on the complaint of three or more of the crew ; he is also authorised to muster the crews of vessels ; to require the production of certain documents ; and he may summon persons to appear before him and give explanation ; parties refusing or neglecting being subjected to a penalty of twenty pounds.

In the absence of a Consul, the Vice-Consul has the same authority ; and in the colonies it is to be exercised by the Governor, or some officer deputed by him, or by the Collectors or Comptrollers of Customs. In ports where no one of these functionaries exists, the authority is delegated to two, and in some cases to one, resident British merchant. The Consul is also in certain cases to institute a naval court to inquire into the conduct of parties complained of ; directions respecting which will be found in the next chapter.

CHAPTER X.

NAVAL OFFICERS.

THE commanders of Her Majesty's ships and vessels of war have been directed by the Board of Admiralty to transmit abstracts of their crews, and a quarterly report of all changes to the Registrar-General of Seamen in London for the purpose of the Registry.

Commissioned officers of Her Majesty's ships are authorised to require the production of the log-books and muster-rolls of merchant-vessels, to inspect the agreement, apprentices' indentures or assignments of indentures, and the list of passengers on board. Also to muster the crew, and satisfy themselves that the provisions of these acts, as well as any other acts by which the crews of merchant-vessels and the laws relating to navigation are regulated, are obeyed.

Neglect or refusal to produce these documents, producing false documents, or obstructing the officer in the execution of his duty, subjects the master to the penalty of twenty pounds.

When seamen enter the Navy, the officer in command of the vessel in which the seaman enters, is required to indorse on the back of the agreement a certificate of such entry; and to see that the seaman's clothes and effects are given up, and also a bill on the owner for any balance of wages that may be due to him, under the 35th sec. of the 16 & 17 Vict. c. 131, the owner of a vessel may henceforth claim compensation for loss sustained owing to the entry of one or more of his crew into the Navy when under agreement for a voyage. (See Chapter XI.)

When a seaman has committed an act of desertion, however (and it is so treated by the master, and entered in his log-book), the effects and the wages of the deserter cannot be claimed ; but the officer should accompany the master to the Consulate, if in a foreign port, or to the custom-house in the colonies, in order to make the required indorsement on the back of the agreement.

An important provision has been introduced into the Mercantile Marine Act (see Section 82, *et seq.*), establishing Naval courts abroad, consisting of Consuls and naval officers, for the purpose of investigating complaints.

Heretofore the naval officer was doubtful how to act, and tenacious of exerting a questionable authority. I recommend the earnest perusal of these clauses, and also Section 23, *et sequiter*, of the amended Mercantile Marine Act, whenever he may be called on to interfere.

For the guidance of the authorities who are to act in conjunction, I append the rule of precedence now in force, which has been decided on by Her Majesty's Secretary of State for Foreign Affairs, and the Lords Commissioners of the Admiralty.

The comparative ranks of Officers of Her Majesty's Navy and Consuls is as follows :—

Agents and Consuls-General rank with, but after Rear-Admirals, Commodores wearing broad pendants, or Major-Generals.

Consuls-General rank with, but after Captains in charge of a division, or station, or squadron, or in command of more than one rated ship.

Consuls rank with, but after Captains, R.N., but before Commanders, R.N.

Vice-Consuls rank with, but after Lieutenants, R.N., and Masters commanding, but before all other Lieutenants, R.N.

Consular Agents rank with, but before Mates, R.N.

CHAPTER XI.

WAGES.

THE wages agreed for, whether by the month, the voyage, the run, the share, or otherwise, must be clearly specified in the agreement : and no stipulation entered into which shall deprive a seaman of his lien upon the ship, or divest him of any legal remedy for the recovery of his wages.

Seamen employed in Home-trade ships are to be paid their wages within two days after the termination of the agreement, -or at the time of discharge, whichever shall first happen. If the ship shall be employed as a Foreign-going ship the wages are to be paid at the latest within three days after the cargo is delivered, or within seven days after the seaman's discharge, whichever shall first happen ; and an account in the sanctioned form must be delivered to every seaman or to the Shipping Master in his behalf, at least twenty-four hours before the time of payment : but in all cases the seaman is entitled to be paid one-fourth of the balance due to him at the time of discharge. Should the master or owner refuse or neglect to make payment after the manner aforesaid, he is to forfeit to the seaman two days' pay for every day—not exceeding ten days—that he shall so refuse or neglect the payment. The wages or the penalty to be recovered summarily. But this rule is not to apply to voyages, where seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure.

Payment of wages to a seaman shall be valid notwithstanding any document he may have executed,

assigning it to another party ; and the same applies to his share of any salvage.

If a seaman is desirous of proceeding on another voyage, he may obtain the payment of his wages if not exceeding twenty pounds, after a lapse of three days, by application to a Justice of the Peace, who, if there appears reasonable cause, may order the payment to be made under penalty of five pounds.

Wages may be recovered summarily in any part of Her Majesty's dominions, or in the territories under the government of the East India Company, by complaint on oath before a Justice of the Peace.

All the liens, rights and privileges that belong to, or are given by law, to seamen for the recovery of their wages, are extended to masters in the event of the bankruptcy or insolvency of the owner.

When seamen are discharged abroad, or enter the Navy, the wages are to be paid in a manner to be sanctioned by the authority of the British Consul or other functionary ; and no seaman whose engagement terminates in the United Kingdom, will henceforth be entitled to sue for wages abroad, in any Court or before any Justice, unless he is so discharged with the sanction of the proper officer, and with the consent of the master, or proves such ill usage as to warrant reasonable apprehension of life and limb ; but he shall have redress on return to the United Kingdom, and may recover compensation for any unjust refusal of wages not exceeding twenty pounds. This is a very necessary provision to meet the case of seamen suing for their wages, and obtaining their discharges upon frivolous complaints before Justices in the Colonies.

In case of wreck, the crew shall be entitled to wages up to the period of such loss ; provided the master, or chief surviving officer, certifies that they have exerted themselves to the utmost to save the ship, cargo, and stores.

Wages of seamen dying on board vessels during a voyage, are to be paid to the Shipping Master at the port of arrival, in order to be claimed by their relatives from the Board of Trade.

Wages of seamen dying abroad on shore are to be paid to the Consul, or Collector of Customs, and their effects delivered up to those authorities.

Wages of seamen entering the Navy must be paid by the master by bill on the owner; and when the master has no means of ascertaining the balance of wages due to such seaman, he is to give him a certificate of the period of his service, and the rate of wages he is entitled to, producing the agreement to the commanding or other officer of the vessel in which the seaman has entered, and requiring the officer's endorsement on the back of such agreement.

The following table of wages is abridged from Steel's Shipmasters' Assistant; and in order to render it available beyond the extent of three guineas per month, all that is necessary is to add one or more items to make up the sum required. Thus, if the wages be six guineas, it will be just double the sum in the last column. If five guineas, the sum made by adding the columns headed £2 2s. and £3 3s. together, and so on. Wages in the Merchant Service when not specified for calendar month, or otherwise in the agreement, are usually calculated by the month of thirty days. As the forfeitures to be inflicted for breach of stipulations are to be calculated by the rate of daily wages, this Table will be found useful in apportioning the amount of such.

Under the provisions of the "Winding-up Merchant Seamen's Fund Act," wages are to be calculated by the calendar month, and payments to the Fund made accordingly.

TABLE for calculating SEAMEN'S WAGES, in the MERCHANT

Days.	RATE PER																							
	s.	d.	s.	d.	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
	15	0	17	6	18	0	1	0	0	1	3	0	1	5	0	1	8	0	1	10	1	12	6	
1	0	6	0	7	0	7	0	0	8	0	0	9	0	0	10	0	0	11	0	1	0	1	1	
2	1	0	1	2	1	2	0	1	4	0	1	6	0	1	8	0	1	10	0	2	0	2	2	
3	1	6	1	9	1	10	0	2	0	0	2	4	0	2	6	0	2	10	0	3	0	3	3	
4	2	0	2	4	2	5	0	2	8	0	3	0	0	3	4	0	3	9	0	4	0	4	4	
5	2	6	2	11	3	7	0	3	4	0	3	10	0	4	2	0	4	8	0	5	0	5	5	
6	3	0	3	6	3	2	0	4	0	0	4	7	0	5	0	0	5	7	0	6	0	6	6	
7	3	6	4	1	4	2	0	4	8	0	5	4	0	5	10	0	6	6	0	7	0	7	7	
8	4	0	4	8	4	10	0	5	4	0	6	2	0	6	8	0	7	6	0	8	0	8	8	
9	4	6	5	3	5	5	0	6	0	0	6	11	0	7	6	0	8	5	0	9	0	9	9	
10	5	0	5	10	6	0	0	6	8	0	7	8	0	8	4	0	9	4	0	10	0	10	10	
11	5	6	6	5	6	7	0	7	4	0	8	5	0	9	2	0	10	3	0	11	0	11	11	
12	6	0	7	0	7	2	0	8	0	0	9	2	0	10	0	0	11	2	0	12	0	13	0	
13	6	6	7	7	7	10	0	8	8	0	10	0	0	10	10	0	12	2	0	13	0	14	1	
14	7	0	8	2	8	5	0	9	4	0	10	9	0	11	8	0	13	1	0	14	0	15	2	
15	7	6	8	9	9	0	0	10	0	0	11	6	0	12	6	0	14	0	0	15	0	16	3	
16	8	0	9	4	9	7	0	10	8	0	12	3	0	13	4	0	14	10	0	16	0	17	4	
17	8	6	9	11	10	2	0	11	4	0	13	0	0	14	2	0	15	10	0	17	0	18	5	
18	9	0	10	6	10	10	0	12	0	0	13	10	0	15	0	0	16	10	0	18	0	19	6	
19	9	6	11	1	11	5	0	12	8	0	14	7	0	15	10	0	17	0	0	19	1	0	7	
20	10	0	11	8	12	0	0	13	4	0	15	4	0	16	8	0	18	8	1	0	1	1	8	
21	10	6	12	3	12	7	0	14	0	0	16	1	0	17	6	0	19	7	1	1	1	2	9	
22	11	0	12	10	13	2	0	14	8	0	16	10	0	18	2	1	0	6	1	2	1	3	10	
23	11	6	13	5	13	10	0	15	4	0	17	8	0	19	2	1	1	6	1	3	1	4	11	
24	12	0	14	0	14	5	0	16	0	0	18	5	1	0	0	1	2	5	1	4	1	6	0	
25	12	6	14	7	15	0	0	16	8	0	19	2	1	0	10	1	3	4	1	5	1	7	1	
26	13	0	15	2	15	7	0	17	4	0	19	11	1	1	8	1	4	3	1	6	1	8	2	
27	13	6	15	9	16	2	0	18	0	1	0	8	1	2	6	1	5	2	1	7	1	9	3	
28	14	0	16	4	16	10	0	18	8	1	1	6	1	3	4	1	6	2	1	8	1	10	4	
29	14	6	16	11	17	5	0	19	4	1	2	3	1	4	2	1	7	1	1	9	1	11	5	
30	15	0	17	6	18	0	1	0	0	1	3	0	1	5	0	1	8	0	1	10	1	12	6	

N.B. The fractional parts of 2-10ths of a penny, that arise every day in the calculating of the wages, in the 3rd, 5th, and 7th columns, are rejected, in the several additions in compiling these columns, when under 6-10ths

CHAPTER XII.

PRINCIPAL OBLIGATIONS OF OWNERS.

By the 63d section of the Merchant Seamen's Act, the term "Owner shall be taken and understood to comprehend all the several persons, if more than one, to which the ship shall belong."

Both the owner and master are in most cases made amenable that the provisions of these acts are complied with ; because the owner is presumed to be a tangible person of fixed residence ; whereas the master is migratory, and often not to be found. Being in the service of the owner, his employer is, to a certain extent, responsible for his conduct, as in other cases, and liable for the penalties incurred.

There are some things, however, that the owner is expected to look to ; the most material of which is, that when apprentices are to serve, their indentures shall be enrolled, and that the master shall be in possession of these indentures so long as the apprentices are employed in the vessel under his command.

When the indentures of existing apprentices have not been executed in duplicate, or lost, the ship-owner should obtain authenticated office copies, which will answer the same purpose.

The owner is to report in writing the death or desertion of any of his apprentices, or their non-employment for six months, or cancellation of indentures. The owner is liable to a penalty of fifty pounds if he employs any one as Master of a Foreign-going ship without an appropriate certificate.*

It is also incumbent on the owner to engage a

* See Chapter XV.

surgeon;* to furnish sufficient lime or lemon juice, or its substitute, sugar and vinegar; to enable the master to issue these according to law; to provide weights and measures, a medicine chest, furnished according to scale, and to take care that the berthing place for the crew is of adequate dimensions.

The owner must also notify to the Collector and Comptroller of Customs of any port of the United Kingdom the name of every vessel or vessels belonging to him, which shall have been unemployed for the six months ending 30th June and 31st December in each year; and also take care that the half yearly lists of any of his vessels which are employed in such a manner as not to require a transire or other Customs' document, are duly rendered, as well as those which do require those documents, particularly when a change of masters has occurred in the previous half-year. He must also make returns of the required lists, in cases where his vessel or vessels may have been lost, sold, or transferred, up to the time of either of such occurrences, with all convenient speed; and should these take place out of the United Kingdom, within twelve calendar months.

The owner is liable when a ship proceeds to sea without having remedied any deficiency in quantity or quality of articles reported on by a Medical Inspector (Section 66, Mercantile Marine Act); for not providing the regulation space (Section 69, ditto); for not paying over fines deducted from wages (Section 79, ditto). And he is liable for compensation for any injury to the crew which they were precluded from referring to a Justice abroad (under the 94th Section, ditto); for discharging seamen contrary to the provisions of the Act, not rendering them an account, or refusing to produce documents required by the Shipping Master (Section 101, ditto).

The owner will be responsible for the expenses

* See Section 13 of Merchant Seamen's Act.

defrayed on account of seamen left abroad by the masters of vessels belonging to him ; and he will be required to pay for the cure of persons hurt on board his vessels, and if left behind in foreign countries, for their passage home.

These are the leading matters that apply to the owner principally, but he is also liable in most cases in conjunction with the master ; and when any difficulty arises with the latter, the owner will be the party subjected to the penalties.

CHAPTER XIII.

PLEASURE YACHTS.

VESSELS or boats used for pleasuring are not subject to the Mercantile Marine Act, but still continue subject to the Merchant Seamen's Act. Those parts, however, of the latter act, which relate to agreements, are repealed, and there is, therefore, now no legislative provision concerning agreements with crews of yachts. But their owners will frequently adopt the agreement for their own security, in order to enable them to appeal to magistrates in case of offences committed by their crews ; and when abroad, no change in the crew is to take place without the sanction of the Consul or other functionary. I recommend, that, under all circumstances, whatever may be the size of the yacht ; whether intended to pleasure about the coast of the United Kingdom, or to visit foreign ports, a written agreement should be entered into, in the form prescribed for Foreign-going or Home-trading ships. Although the agreement is not to contain any provisions that are inconsistent with the spirit or intention of the act, there is no objection to the insertion of the usual stipulations which owners of these vessels generally insist

on for regulating the conduct of the crew. In order that seamen may become conversant with these regulations (which generally apply to cleanliness, orderly behaviour, &c., &c.), it will be advisable that the Royal Yacht Club should adopt some general form, which, after receiving the sanction of counsel, might be inserted in the body of an agreement, specially prepared for those vessels, in the space left for that purpose.

CHAPTER XIV.

COLONIAL VESSELS.

As the provisions of the Acts embrace all vessels belonging to subjects of her Majesty, except pleasure yachts, Trinity yachts, and vessels fishing on the coasts of the United Kingdom, colonial vessels are only excluded under circumstances described in Section 61, 7 and 8 Vic., cap. 112, and Sections 7 and 8 of 14 and 15 Vic., cap. 96. The acts, generally speaking, do not extend to such vessels belonging to a colony having a Legislative Assembly when employed within the precincts of their respective colonies, or employed in trading between the colony to which they belong and any other colony, or merely touching in the United Kingdom; but they are in all respects amenable to their provisions when trading in the United Kingdom, or between any port in the United Kingdom, and any other place, except the colony to which they belong.

They are also subject to the provisions of the Merchant Seamen's Act, when beyond the precincts of the colony to which they belong, and wherever otherwise proceeding or trading, excepting so far as regards Agreements, and they are not to make changes in their crews when in the United Kingdom, under any circumstances, without the Shipping Master's cognizance, and payment of the fee.

CHAPTER XV.

LAW OF MANNING.

AN opinion is very generally entertained (even by otherwise well informed persons) that legal provisions exist, respecting the number of men and boys to be carried per 100 tons, and cases are often occurring, of crews objecting to prosecute the voyage on the plea of the ship being undermanned, thereby subjecting the owners to expense and inconvenience from delay; instances can be shown wherein Justices have countenanced the objection, and, consequently, obliged the Ship Master to increase his crew.

The notion is derived from the practice of government, when chartering ships, requiring certain conditions as to qualification of officers, number of men for tonnage, quantity of provisions, water, &c., to be stipulated for: but these are entirely matters of contract, for there is no law—neither has there been a law—that requires ordinary merchant ships to be manned other than that which until lately imposed the conditions respecting the proportion of British to Foreign seamen employed.

As mechanical contrivances come into use, in aid of manual labour, the crews of ships may be and will be diminished in number, and I therefore take this opportunity of explaining the existing state of the law, observing at the same time that if masters of Foreign-going ships avail themselves of the appliances of the Shipping Offices, and exhibit the placard containing the description and tonnage of the ship, and the number of persons in the different ratings required for the

voyage, no seaman can have a reasonable plea for objecting to proceed on the score of being short-handed. It is a matter for the consideration of the owner and master what number of men will be required to navigate the ship, a question which must be very much governed by the rig of the vessel, and the nature of the intended voyage; the question for the seaman's consideration is whether he will engage as one of the number of the crew required when made thoroughly acquainted with the state of matters.

The 7th section of the 12 & 13 Vict., cap. 29, commonly called the Manning Clause of the Navigation Act, which regulated the number of Foreigners in the Foreign Trade, and totally excluded them from the Coasting Trade, is now repealed by the 31st section of 16 & 17 Vict., cap. 131, and from and after the 1st of October, 1853, Vessels however employed may be navigated, both as respects Masters and Crews, without any regard to the nationality of those parties. It is still required however under the provisions of the Mercantile Marine Act, that all masters in charge of Foreign-going ships shall possess certificates of competency or of service. The latter certificates are only granted to those who were Masters prior to the 1st of January, 1851, and as no foreigners were eligible to command British Merchant vessels at that period—no foreigner unless naturalized can possess a certificate of service. It will therefore be necessary for foreigners intending to engage as Masters of Merchant vessels to pass the examination which the Board of Trade has authority to direct.

A vexed question has also arisen, in cases brought before Justices, under the Seamen's Protection Act, respecting the definition of the word "seaman;" for although that act was evidently designed to protect every one seeking an engagement in a merchant ship

from the imposition of crimps, Justices have refused to grant summonses on complaint of persons who could not prove that they were seamen, and persisted in this refusal in defiance of the opinion of the law officers of the crown. The second section of the Mercantile Marine Act provides for this, and interprets the word "seaman" to include any person (except masters, and apprentices duly indentured and registered) employed or engaged to serve in any capacity on board any "ship."

Difficulties have also arisen respecting that condition of the agreement which provides that if any one of the crew is not found competent to the duty he engages for, his wages shall be reduced in proportion to his incompetency. Hence the necessity of having some recognised standard of what constitutes an able and what an ordinary seaman.

The naval instructions (1844), under the head "Captain," state (Section 12) for his information, when rating the ship's company, that "none are to be rated as 'ordinary,' who are not able to go aloft, and perform some of the duties of a seaman; nor as 'able' who are not capable of performing all the essential duties of a seaman." And he is further directed to cause all the men who are not fit to be rated "able" seamen to be instructed on the following points, in order to qualify them for that rating.

1. In steering.
 2. In heaving the lead.
 3. In knotting and splicing.
 4. In rowing.
 5. To use palm and needle, and generally in other duties, such as bending and reefing sails, &c.
- We are therefore to assume that if competent on these points, a man may take the rating of able seaman, and claim the wages of such.

In the American navy, as well as the merchant service, the men, when entering, rate themselves, as it is styled; and if found incompetent, they are reduced to inferior ratings.

In the "Seaman's Manual,"* by R. H. Dana—a very useful book, which should form part of every sailor's library—amongst much valuable information, the following ample definition is given of the duties required from an able and an ordinary seaman.

AN ABLE SEAMAN must hand, reef, steer, heave the lead, and row; work upon rigging, and be at least competent to make a long and short splice, strop a block, pass seizings on lower rigging, and make the ordinary knots. He is also generally expected to sew a sail, but, if competent in other respects, this is not imperative. He is expected to do all the work necessary for reefing, furling, or setting sail; to take a bunt or earing, to send yards and masts up and down, to rig in and out booms, to know how to reeve all the running rigging.

THE ORDINARY SEAMAN is expected to hand, reef, and steer (under common circumstances, which includes boxing the compass), to be well acquainted with all the running and standing rigging of a ship; to be able to reeve studding-sail gear, and set a top-gallant or royal studding-stail out of a top; to loose and furl a royal, and a small top-gallant sail, or flying-jib; and to send down or cross a royal yard. He is not expected to be a workman upon rigging, but he must make all the hitches, bends, and knots in common use.

The American law of manning is very similar to what was lately ours, except as regards the proportion of the crew, which is to consist of two-thirds (instead of three-fourths) American seamen. This portion of the crew must possess certificates of citizenship, in order

* Published by Moxon : London.

to enable the master to make oath that his ship is navigated according to law, and to deposit certain lists in confirmation thereof, before he can obtain his clearance at the custom-house. The regulation imposes a severe tax upon seamen in American ships, who must pay a dollar for this certificate of citizenship (or protection, as it is usually styled) every time it is obtained, no matter how often, and the owner pays one and sometimes two dollars per man to a Shipping Master for providing his crew in the ports of the United States.

CHAPTER XVI.

PENALTIES AND FORFEITURES FOR BREACHES OF DISCIPLINE, DESERTION, ABSENCE WITHOUT LEAVE, &c.

SECURITY having been taken by the provisions which regulate the cancellation or suspension of the certificate of competency or of service, that masters of ships shall be responsible for the exercise of their authority, the means of enforcing discipline, good order, and adherence to the agreement, have been greatly strengthened by the enactment of stringent provisions; in addition to which, stipulated regulations have been sanctioned by the Board of Trade, which may be adopted at the option of the parties; but if inserted in the agreement the fines may be legally deducted from the wages, provided the Shipping Master, before whom the discharge takes place, is satisfied that the law has been complied with.

Many of the stipulations were already adopted by masters of ships celebrated for maintaining order and contentment amongst their crews; and others have

been selected with great care and judgment from the agreements of merchant ships.

The following Abstract, which is to be appended to the agreement made accessible to the crew, contains an enumeration of the various penalties and forfeitures, with reference to the clauses containing such provisions to be found in the Acts in the Appendix.

Abstract of Certain Clauses for Maintaining Discipline in
7 & 8 VICT., c. 112, (THE MERCHANT SEAMEN'S ACT), 13
and 14 VICT., c. 93; 14 and 15 VICT., c. 96. (THE MERCHANT MARINE ACTS,) and 16 and 17 VICT., c. 131, (THE MERCHANT SHIPPING ACT).

ANY master or mate of, or any seaman or apprentice belonging to, any British ship, who by wilful breach of duty or by neglect of duty or by reason of drunkenness does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.—13 & 14 Vict., c. 93, s. 77.

Any seaman or apprentice who commits any of the following offences is liable to be punished summarily by a Magistrate as follows, (that is to say);—

- 1.—For desertion,—he is liable, under 13 & 14 Vict., c. 93, s. 70, to imprisonment not exceeding twelve weeks with or without hard labour; and, under 7 & 8 Vict., c. 112. s. 9, to forfeit to the master or owner all clothes and effects he may leave on board and all wages or emoluments which he may have earned; and if such desertion takes place abroad, to forfeit all wages and emoluments he may earn in any

other ship in which he may engage to return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him :

- 2.—For wilfully neglecting or refusing to join the ship,—he is liable, under 13 & 14 Vict., c. 93, s. 70, to imprisonment not exceeding twelve weeks with or without hard labour :
- 3.—For wilful absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, and not amounting to desertion,—he is liable, under 7 & 8 Vict., c. 112, ss. 6, 9, to imprisonment not exceeding four weeks with or without hard labour, and also to such forfeitures and payments as he is liable in the case of desertion :
- 4.—For wilful absence without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master,—he is liable, under 7 & 8 Vict., c. 112, ss. 6, 7, to imprisonment not exceeding four weeks with or without hard labour, and to forfeit out of his wages the amount of two days' pay, and also for every twenty-four hours of such absence, at the option of the master, either the amount of six days' pay or any expenses which have been properly incurred in hiring a substitute :
- 5.—For quitting the ship without leave after her arrival at her port of delivery and before the cargo is discharged,—he is liable, under 7 & 8 Vict., c. 112, s. 7, to forfeit out of his wages one month's pay :
- 6.—For wilful disobedience to any lawful command,—he is liable, under 13 & 14 Vict., c. 93, s. 78, to imprisonment not exceeding four weeks with or without hard labour, and under 7 & 8 Vict., c. 112, s. 7, to forfeit out of his wages two days' pay :
- 7.—For continued wilful disobedience to lawful commands or continued wilful neglect of duty,—he is liable, under 13 & 14 Vict., c. 93, s. 78, to imprisonment not exceeding twelve weeks with or without hard labour ; and, under 7 & 8 Vict., c. 112, s. 7, to forfeit for every twenty-four hours' continuance of such disobedience or neglect either the amount of six days' pay, or, at the option of the master, any expenses which have been properly incurred in hiring a substitute :
- 8.—For assaulting any master or mate, he is liable,—under 13 & 14 Vict., c. 93, s. 78, to imprisonment not exceeding twelve weeks with or without hard labour :

- 9.—For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage,—he is liable, under 13 & 14 Vict., c. 93, s. 78, to imprisonment not exceeding twelve weeks with or without hard labour :
- 10.—For wilfully damaging the ship or embezzling or wilfully damaging any of her stores or cargo,—he is liable, under 13 & 14 Vict., c. 93, s. 78, to imprisonment not exceeding twelve weeks with or without hard labour.

Whenever any seaman or apprentice neglects or refuses to join, or deserts or absents himself without leave, the master or any mate, or the owner, ship's-husband, or consignee, may apprehend him without first procuring a warrant, and may thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of hearing the case, to be dealt with according to law ; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board, 13 & 14 Vict., c. 93, ss. 71, 72.

Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, deserted, or absented himself without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed, and may order the necessary costs of the proceeding to be deducted from the wages of the offender, 7 & 8 Vict., c. 112, s. 6, and 13 & 14 Vict., c. 93, s. 70.

Whenever any seaman or apprentice is convicted and sentenced to imprisonment, the Court so sentencing him may direct the whole or any part of such

wages as may accrue to him during such imprisonment to be forfeited to the master or owner, 13 & 14 Vict., c. 93, s. 80.

If any seaman or apprentice is imprisoned in any part of Her Majesty's dominions on the ground of his having neglected or refused to join any ship in which he is engaged to serve, or of having deserted, or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline; and if during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any justice may at the request of the master, or of the owner or his agents, cause such seaman or apprentice to be conveyed on board the said ship for the purpose of proceeding on the voyage, to be delivered to the master or to any mate of the ship, or the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived, 16 & 17 Vict., c. 131, s. 38.

If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall forfeit out of the wages he may earn by virtue of such engagement a sum not exceeding five pounds, 13 & 14 Vict., c. 93, s. 75.

Every seaman falsely representing himself to be a foreigner shall forfeit to the owner all wages which shall become due to him during the service for which he shall agree or shall have agreed, 7 & 8 Vict., c. 112, s. 240.

If any assault or battery is committed on board any ship belonging to any British subject in any part of the world, any two Justices of the Peace in any part of Her Majesty's dominions residing at or near any place at which the said ship may arrive

or touch, upon complaint of the party aggrieved made and prosecuted within three months after such alleged assault or battery, or within three months after the arrival of the ship at her final port of destination in the United Kingdom, or within three months after the respective parties are within the jurisdiction of such Justices as aforesaid, may hear and determine such complaint, and may proceed and make adjudication thereon as if the offence had been committed in England, 7 & 8 Vict. c. 112, s. 44.

All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence is committed is, or within three months previously has been, employed in any ship of the United Kingdom, shall be deemed to be offences of the same nature respectively, and be tried in the same manner as if committed within the jurisdiction of the Admiralty of England, 7 & 8 Vict., c. 112, s. 58.

Whenever any complaint is made to any Consul or Vice-Consul of any offence having been committed at sea by any master, seaman, or apprentice, he may inquire into the case upon oath, and may take any steps in his power for the purpose of placing the offender under necessary restraint, and of sending him in safe custody to England to be there proceeded against according to law, 7 & 8 Vict., c. 112, ss. 59, 60.

No seaman who is engaged for a voyage which is to terminate in the United Kingdom is entitled to sue in any Court abroad for wages, unless he is discharged in the manner required by the Acts of Parliament and with the written consent of the master, or proves such ill-usage on the part of the master or by his authority as to warrant reasonable apprehension of danger to his life if he were to remain on board, 13 & 14 Vict. c. 93, s. 94.

Regulations for Maintaining Discipline sanctioned by the Board of Trade, in pursuance of 13 & 14 Vict., c. 93, ss. 46, 79, 86.

These Regulations are distinct from and in addition to those contained in the Act, and are sanctioned but not imperatively required by law. All or any of them may be adopted by agreement between a master and his crew, and thereupon the offences specified in such of these as are so adopted will be legally punishable by the appropriate fines or punishments. The numbers of such of them as are so adopted should be inserted in the space left for that purpose in the agreement, and a copy of these regulations should be made to correspond with the agreement by erasing such of them as are not adopted.

For the purpose of legally enforcing any of the following penalties, a statement of the offence must immediately after its commission be entered in the log-book, by direction of the master, and must at the same time be attested to be true by the signature of the mate; or if there is no mate, by the carpenter, boatswain, or one of the oldest members of the crew, and the entry must as soon as made or as soon afterwards as possible be read over distinctly and audibly to the offenders, or upon the quarter deck of the ship, and a statement to the effect that the same has been so read shall be added to such entry and signed as required for the signature of such entry, 14 & 15 Vict., c. 96, s. 27. If the punishment is a fine, this entry must, upon discharge of the crew, be shown to the Shipping Master before whom the crew is discharged; or in the case of a Home-trade ship, to some Shipping Master at or near the place, and if he is satisfied that it has been properly and truly made and attested, the fine is to be deducted from the offender's wages and paid over to the Shipping Master.

If in consequence of subsequent good conduct the master thinks fit to remit or reduce any fine which

has been entered, and signifies the same to the Shipping Master, the fine shall be remitted or reduced accordingly. If wages are contracted for by the

	OFFENCE.	Amount of Fine or Punishment.
1	Not being on Board at the time fixed by the Agreement	Two Days' Pay.
2	Not returning on Board at the expiration of Leave	One Day's Pay.
3	Insolence or contemptuous language or behaviour towards the Master or any Mate	One Day's Pay.
4	Striking or assaulting any person on Board or belonging to the Ship	Two Days' Pay.
5	Quarrelling or provoking to quarrel	One Day's Pay.
6	Swearing or using improper language	One Day's Pay.
7	Bringing or having on Board spirituous liquors	Three Days' Pay.
8	Carrying a sheath-knife	One Day's Pay.
9	Drunkenness. First Offence	Two Days' half-allowance of Provisions.
	Ditto. Second Offence	Two Days' Pay.
10	Neglect on the part of the Officer in Charge of the Watch to place the look-out properly	Two Days' Pay.
11	Sleeping or gross negligence while on the look-out	Two Days' Pay.
12	Not extinguishing lights at the times ordered	One Day's Pay.
13	Smoking below	One Day's Pay.
14	Neglecting to bring up, open out, and air bedding, when ordered	Half-a-Day's Pay.
15	(For the Cook)—Not having any Meal of the Crew ready at the appointed time	One Day's Pay.
16	Not attending Divine Service on Sunday unless prevented by sickness or duty of the Ship	One Day's Pay.
17	Interrupting Divine Service by indecorous conduct	One Day's Pay.
18	Not being cleaned, shaved, and washed, on Sundays	One Day's Pay.
19	Washing clothes on a Sunday	One Day's Pay.
20	Secreting contraband goods on Board with intent to smuggle	One Month's Pay.
21	Destroying or defacing the Copy of the Agreement which is made accessible to the Crew	One Day's Pay.
22	If any Officer is guilty of any act which is made subject to a Fine, he shall be liable to a Fine of twice the number of Days' Pay which would be exacted for a like Act or Default from a Seaman, and such Fine shall be paid and applied in the same manner as other fines.	

voyage or by share, the amount of the fines shall be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under 7 & 8 Vict., c. 112, s. 8.

Should the master of a ship be disposed to insert any *special* stipulations, and the crew agree thereto, they may be adopted, so that they are not contrary to the provisions of these acts.

It will be seen that a stringent law is now available for enforcing obedience to command, and adherence to the conditions of the agreement; and that the long desired object of a "Code of Discipline," is very nearly accomplished. If owners and masters avail themselves of the existing provisions, and prosecute the harbourers of deserters, who are liable to a penalty of ten pounds; claim the wages of deserters when ascertained to be serving in other ships, and assist the authorities in bringing offenders to justice, they will find their interest in so doing, and furthermore become convinced that it is not the fault of the law, but the apathy and indifference of those aggrieved, that permit offences to be perpetrated with impunity.

The desertion of seamen abroad, particularly in the colonies, has been a source of great inconvenience and expense to ship-owners; and of all the colonies this is most felt in the port of Quebec, where an organised system of crimping prevails. The Canadian legislature, with a view of checking the evil, adopted the Seaman's Protection Act, very shortly after it was enacted in this country, with the further provision that no seaman should be engaged by any one but the owner, master, or ship's-husband, except through an established shipping-office; intending by this means to bring all the seamen, entered at Quebec, under the scrutiny of an officer who could have the means of detecting deserters.

The act has been somewhat strengthened by pre-

visions enacted in 1853, but the blemish is still that it does not make it imperative to bring every man, however he is engaged, before the Shipping Master to execute the agreement; but this amendment will probably be adopted on some future occasion.

Notwithstanding this defect, if the masters of ships in the port had come to a resolution amongst themselves, and agreed to engage substitutes for deserters through the shipping-office only, the system of crimping would have been abolished; instead of this, I am sorry to learn that, while the majority have lent but a feeble support to the shipping-office, many masters of ships have adhered to the crimps; and when men were to be procured through the shipping-office for wages of four or five pounds a month, have advanced double that sum to crimps for smuggling on board deserters from other ships. This conduct, besides entailing a great expense on their owners, holds out a premium to desertion, aggravates the evil, and induces demoralisation. It has been insinuated that Ship Masters have shared in the profits of the crimps; I am doubtful of the truth of this, but I think that if the great ship-owners, whose vessels trade to Quebec, instructed their masters to procure any men they wanted through the shipping-office, and forbade them to resort to the crimps on any account, the system would be broken up at that port, particularly now since the enactment of 93rd and 94th clauses of the Mercantile Marine Act, deprives the seaman of the means of procuring his discharge, by summoning the master before a justice upon some frivolous complaint of breach or informality of the agreement.

At Quebec and other North American ports where many vessels are annually built, there should be some law or regulation obliging the owners of such ships to import crews to navigate them to England.

CHAPTER XVII.

VOYAGE OF A FOREIGN-GOING SHIP.

THE master of a Foreign-going ship must possess a Certificate of competency or of service, to be produced to the Shipping Master; and should his certificate be lost, he must apply without delay to the Shipping Master, in order to comply with the regulations for obtaining a renewed one, a process that may occupy some days. If not already provided, and he has not previously served in such capacity, prior to the 1st January, 1851, an examination is imperative, and this can be undergone at one of the ports wherein a Board of Examiners is established. If he has already served as master, he may obtain a Certificate by following the directions to be found in Chapter III.

Although it is required, that the crew of a Foreign-going ship must execute the agreement and receive advance notes in the presence of a Shipping Master, it is not imperative that they shall be engaged at a shipping-office. The owner or master may, if so disposed, engage a crew either wholly or partly himself, or by means of the mate,* or a licensed agent; or he may direct any men he selects to meet him at an appointed hour to execute the agreement, but the time and place, if not in the shipping office, must be arranged with the Shipping Master. As the regulation fee must be paid, whether the crew is obtained by means of the Shipping Master or not, I recommend

* The mate is substituted for ship's-husband under the amended law. See s. 3, Mercantile Marine Act.

that in every case the owner or master of a Foreign-going ship, should avail himself of the facilities afforded him ; resort to the shipping-office, as soon as the voyage is determined on, and furnish the Shipping Master with the following particulars :—

The name, tonnage, port belonging to, number and date of registry of his ship ; the number of men and boys he requires in the several capacities ; the day and hour for selecting the crew and signing the agreement, with the stipulations intended for insertion.

The particulars of indentures of the apprentices, in order that the dates of enrolments, or assignments, may be inserted at the foot of the agreement.

The scale of provisions.

The authority for insertion and payment of the advance notes ; also for the insertion of monthly allotment.

The day and hour at which the crew is to be on board.

In order to facilitate this and other contingent matters, printed forms are furnished by the Shipping Master for a fixed charge, but only in complete sets. If the master chooses to purchase his forms elsewhere, he cannot remedy any deficiency at the shipping-office ; and if they are not found correct his business will be impeded, for the Shipping Master is not to proceed until he is satisfied in this respect, and his fee is paid.

The only documents, not included in this arrangement, are the official log-book and the indentures of apprentices, which may be obtained of the trade generally, and which will be available, provided they are correctly printed in the manner sanctioned by the Board of Trade, and bear the official seal. Since the discontinuance of the register ticket, it is the practice to require the discharge from last ship from the seaman at the time of signing agreement, and for the Master to hold it until the seaman appears on board.

In former editions of this book, I have strongly

insisted on the benefit that would result to all parties if inquiry was made into character, and due precaution taken in this respect before entering on the engagement for a voyage. I am aware of the difficulty that has hitherto existed, and the impunity with which certificates of character were fabricated, when the master's signature to a seaman's discharge was available, and therefore the small reliance to be placed on such credentials; but under the present law, this difficulty is removed; the seaman's character for ability and conduct is now required to be rendered in a printed form by the master, at the termination of each voyage, to be recorded at the shipping-office of the port in which the discharge takes place; and also by the Registrar-General of Seamen in London, in whose books an entry of the voyage is made against each man's name, every time it occurs; and to this is now added, the report of his character, so that by referring to the Shipping Master, or if the seaman had been discharged at another port, to the Registrar-General of Seamen, the recorded character may be obtained. This will be a strong inducement for good conduct. It will give to well-behaved orderly seamen a preference over others, and cause their services to be sought for, and better remunerated than those who have no such recommendation; and the master will have the means of selecting such a crew as will give him reasonable assurance of a peaceful voyage. I also recommend that when seamen are selected, the state of their health may be ascertained; for instances are frequent of diseased men being taken to sea unable to perform a day's work, becoming a nuisance to the crew, who are moreover subjected to extra labour, and therefore discontented, besides entailing expense upon the ship.

The Shipping Master has such precise directions for the methodical performance of his work, and the

practice is so assimilated in all the ports of the kingdom, that if the matter is placed in his hands the master will have little trouble respecting his forms ; but he must ascertain that the proper quantities of provisions and water are ready ; that a space of not less than nine superficial feet is allotted in the forecastle or berthing-place for each of the crew ; that lime-juice, or its substitute, sugar, scales, weights, and measures are provided ; a surgeon engaged in cases provided for in the 18th Section of the Merchant Seamen's Act ; and as inspectors are appointed to supervise these matters, he must not obstruct them in the execution of their duty.

The law which required the maintenance of apprentices, being now repealed, it is only necessary to remark in this place that if it is intended to take apprentices on the voyage they should be provided in proper time.

On the day fixed for selecting the crew, it is desirable on many accounts that the master, and, if possible, his mates, (who must be furnished with appropriate certificates, and if their certificates are lost must follow the course already directed for obtaining renewed ones,) should attend for that purpose. The process of selecting and signing articles will not occupy above half-an-hour, for a ship of three or four hundred tons ; but when the contracting parties meet face to face, facts may be elicited, probably from a former acquaintance, which would influence the selection ; and the risk now incurred when such precaution is not taken, and of objectionable characters being engaged, will be avoided.

Whatever stipulations are to be adopted, whether those authorised and attached to the copy of agreement that is to be exhibited on board, or others which the master may desire to have inserted, and which the Shipping Master shall consider not contrary to

law, must be fully explained, discussed, and agreed to, rejected, or others substituted, as may be decided on at this time. The agreement may be executed in duplicate at the time of selection, as the most convenient season, or at any future appointed time, and the master should then obtain and sign the advance notes, which should be delivered into the hands of the crew in presence of the Shipping Master at the time of executing the agreement. The Shipping Master is to caution the seamen before signing the agreement of the penalties they will incur if they give a false name of themselves, or their last ship; and to require the production of the discharge from last ship in order to authenticate the statement, and those who have preserved their register tickets may have their numbers inserted in the agreement if they so desire. The numbers of all Fund Tickets must be inserted in the proper column.

When ready for departing, the Shipping Master will give the master one copy of the agreement executed by the parties, and another for exhibition in the ship, and any other forms required, if he has purchased the set in the Shipping Office.

If any one or more of the crew absent themselves, the master shall, if possible, attend at the shipping-office, in order that the entry of the substitutes may be made on his agreement; but if this cannot be done without detention of the ship, he must fill up the form supplied to him, marked G, and this is to be transmitted to the Shipping Master before he leaves the port. Should he neglect to transmit this list, not only does he subject himself to penalties, but he makes his owner or agent liable to pay the advance note of the defaulters, which payment will of course be very properly deducted from the master's wages on settlement of accounts.

The law requires that a copy of the agreement

shall be placed in a position to be accessible to the crew during the period of the voyage, and in the case of the engagement of substitutes, which often occurs at the last moment, and at a busy time, the act provides that the agreement shall be read over to them if practicable before the ship puts to sea, and if not, as soon after as possible, before a witness.

No erasures, interlineations, or alterations are to be made in the agreement, except as provided for in the 49th clause of the Mercantile Marine Act; for should any appear, unless attested by the signature of the authorities, the documents will not be received in proof.

Should any person be found secreted on board, with the intention of procuring a passage surreptitiously, he is liable to a penalty of £50, or imprisonment and hard labour.

AT SEA.

The principal matter which requires attention when a vessel is at sea, is to take care that the provisions are regularly issued according to the stipulated scale. When it becomes necessary to reduce the allowance, the crew should be called aft and made acquainted with the reason for this, and apprised of the compensation to which they are entitled as long as short allowance is continued; namely, four-pence per day, if the reduction is one-third, and eight-pence per day, if more than one-third; this allowance for short allowance will not, however, apply to offenders under 81st section of the Mercantile Marine Act, provided that an entry be made in the log-book of this as well as of every other occurrence that might hereafter require to be substantiated by proof. (See Instructions in Official Log Book.)

When the vessel is bound to any port out of Europe

(see Chapter VIII.) lime or lemon juice, or its substitute, sugar and vinegar, must be served out on the eleventh day after salt provisions have been commenced, and continued until the arrival at some port where fresh meat can be procured, or to the end of the voyage. The lime or lemon juice or its substitute and sugar is to be issued at the rate of half an ounce of each to every person on board daily, and the vinegar at the rate of half a pint to each person weekly. The master incurs a penalty of five pounds for every omission. This regulation has become the more necessary since the re-appearance of scurvy within these few years.

The regulations provided in the Mercantile Marine Act, and other acts for the maintenance of discipline at sea, are annexed to the agreement exhibited to the crew. It is expected that with this increase of authority, and the adoption of some of the stipulations which inflict small fines for irregularities, a master of a vessel may with common discretion keep his crew in a proper state of subordination.

ARRIVAL IN, AND DEPARTURE FROM, A FOREIGN OR COLONIAL PORT.

A principal feature of these acts is the protection of seamen when absent from their native country ; and the provisions enacted with this view, are calculated not only to strengthen the authority of the British Consul, but to render more speedy and certain the punishment of offenders.

It therefore behoves masters of vessels to be very particular in procuring the consent of the proper functionaries for any changes they may require in their crews ; and also with respect to other matters, for the due performance of which I shall endeavour to set down concise directions.

The law requires that, within forty-eight hours

after the vessel's arrival in a foreign or colonial port, the master shall deliver or cause to be delivered to the British Consul in the former, or the Collector and Comptroller of Customs in the latter, the following documents :—

- 1.—The agreement with the crew.
- 2.—The indentures or assigned indentures of the apprentices on board.

There are other papers required to be deposited with these functionaries, but I do not enumerate them, as they have no reference to these acts.

The law does not enjoin the master to deliver the agreement, &c., personally, because it may happen that he cannot conveniently do so within the time prescribed ; but whenever it can be effected, I strongly recommend that the master should wait upon the British Consul ; and upon this and every other occasion, treat him with the respect to which his authority is entitled, and which none have a greater interest in upholding than masters of vessels in foreign ports, who, in cases of difficulty, must rely on their Consul's power to obtain for them justice and redress.

The least consideration will show that nothing tends so much to weaken the influence of a Consul in the eyes of foreigners as that the subjects of the nation which he represents should be wanting in that deference which his station demands ; and I would not allude to so obvious an obligation, were it not that many cases have come to my knowledge where the conduct of masters of British vessels visiting foreign ports have been most reprehensible on this point ; evincing an utter disregard, and, in some instances, contempt, of the Consul's authority. It is true this conduct has generally resulted from ignorance or intoxication, but it is not the less inexcusable on this account, and contrasts discreditably with

that of the subjects of other states, who are most particular in this respect.

Should any doubt arise regarding the entries made in the agreement or any other of the documents deposited with the Consul or officer of customs, he can summon the master to appear before him to give explanation ; and he has authority to muster the crew, and to ascertain that the provisions of all acts regulating the laws of navigation have been complied with.

When any dispute arises amongst the crew during the sojourn in a foreign port, immediate reference should be made to the British Consul, who is instructed how to deal with the offending party, and will generally avail himself of the assistance of the authorities of the place in cases where the aid of police is necessary. And should any complaint be made by the master, or by any of the certificated mates, or by one third or more of the crew, or by the consignee, to any naval officer in command of a ship of Her Majesty's, or, in his absence, to any consular officer, a naval court may be constituted to inquire into the complaint, and to remedy it if possible, reporting all their proceedings to the Board of Trade. In extreme cases this court has power to remove the master. The provisions are contained in sec. 82d of 13 & 14 Vic., cap. 93, and sec. 23 of 14 & 15 Vic., cap. 96. No change in the crew of any kind, either by hiring or discharging, is to be made without the Consul's sanction ; and this sanction must be endorsed on the back of the agreement. In ports wherein there are no Consuls or Vice-consuls established, the consent of two respectable merchants must be obtained to any act which is otherwise required to be sanctioned by those functionaries. In the colonies the consent of the governor, or other officer holding the chief authority, or the officer duly appointed by the government there

in that behalf, or the Collector and Comptroller of Customs, must in like manner be obtained and indorsed upon the back of the agreement; and disputes should be referred to the decision of a justice of the peace.

All desertions must be reported to the said functionaries, in writing, within twenty-four hours of their occurrence.

Should it appear that any seaman is left behind, the proof of having obtained the necessary sanction rests with the master, unless he can prove the impracticability of obtaining such sanction.

Where there is no public functionary, this report is made to two respectable merchants, as required by the 46th section of the Merchant Seamen's Act, and the master shall transmit a copy thereof to the Registrar-General of Seamen in England, in order that it may be available for evidence.

When the consent is obtained in the required form to leave any one or more of the crew behind, on the plea of not being able to proceed on the voyage, an account of the wages due must be delivered to the aforesaid functionaries, and the balance in money, or a bill on the owners, deposited in their hands. Should the master neglect or refuse to perform this, he subjects himself to a penalty of ten pounds, and if the account he renders should not be just and true, the penalty is twenty pounds for every such offence.

But no one of the crew is to be prevented from entering into the Royal Navy, nor shall such entry be deemed a desertion, or subject the person so entering to any forfeiture of wages, clothes, or effects; and should any stipulation have been entered into in the agreement with this view, it is not only void but the master incurs a penalty of twenty pounds.

The balance of wages due to any man entering the Navy, up to the period of his entry, must be paid to

the Naval Officer by a bill on the owners, and (provided he has not deserted) clothes and any other effects belonging to him are to be delivered up, under a penalty of twenty pounds. When there is no means of ascertaining the balance of wages, the master is to make out and deliver to the seaman a certificate of the period of his service, and the rate of wages he is entitled to, satisfying the commanding or other officer of Her Majesty's vessel by producing the agreement. As the agreement is deposited in the hands of the Consul or other authority abroad, the master should accompany the officer to this functionary, and require the inspection of the document in order to satisfy the naval officer; because, should this and the other acts required not be duly performed, the master is liable to a penalty of twenty pounds. The officer of Her Majesty's ship is to certify upon the back of the agreement, that all this has been done to his satisfaction.

The Lords of the Admiralty receive official reports, respecting the entry of merchant seamen abroad from merchant ships, and these are to state the name, port belonging to, tonnage, and owners of the ship, number and ages of volunteers, and whether they had already served in the navy, cause of their leaving, whether objected to by the master, and whether men could be obtained in their place; amount of their wages per month, and whether they received their arrears of pay and clothing, with any further particulars.

When a vessel is sold, or whenever the service agreed on by the crew shall terminate in a foreign port, the master is required to give to each a certificate of discharge. He should also give a certificate of character to such as have deserved it. The wages must be settled up to the period of the sale of the vessel, or termination of the agreement. (See Chapter IV.

Log Book.) If adequate employment is not provided for the crew in some British vessel homeward-bound, the master is to deposit with the Consul, or the functionaries aforesaid, a sum of money sufficient to defray the expenses, and the passage home of the crew to the port of the United Kingdom in which they were shipped, or some other port that may be mutually agreed on. Should the master neglect this, the charge (except in cases of barratry) will be upon the owner, and may be recovered with full costs as a debt due to the crown; and if any seaman defrays his own passage, he may recover the expense incurred in the same manner as wages, that is, by summary process.

If, however, in the event of either case—the sale of the vessel, or the expiration of the service occurring in a foreign port—the crew signify their consent in writing in the presence of the British Consul, or other functionary, to complete the voyage, if continued, such arrangement can be made binding.

In cases of wreck, although no freight has been earned, the crew are entitled to wages up to the period of the disaster, provided the master or chief surviving officer of the vessel certifies to the effect that they had exerted themselves to the utmost to save the ship, cargo, and stores. When brought into a foreign port under such circumstances, the proper course for the surviving officer will be to make the case known to the British Consul, who will take care to find the crew employment in other vessels, or order them a passage to England, and also that the wages of each shall be settled, and a bill drawn upon the owners for the amount.

The Consul or Vice-consul may order a passage to England, in any vessel homeward bound for

offenders, under necessary restraint, and also for witnesses; but the master is not bound to receive more than one offender, or two witnesses, for every hundred tons of his ship's burthen. He will be paid for victualling them after the rate of one shilling per day.

Should the vessel visit other ports before her return to the United Kingdom, the same forms must be gone through in each, provided the stay therein be more than forty-eight hours. The only vessels exempted from depositing the documents enumerated with the Consul, or other functionary, are "Packets for Passengers in the course of their Voyages." But, although they are exempted on this score, for obvious reasons, as they touch at many ports, and their stay is short, no change in the crew is to be made, either as to hiring or discharging, without the sanction of the proper authorities; and masters of these vessels are amenable to the law for leaving behind or forcing on shore any person belonging to their crew.

Whenever one of the crew is discharged, or left behind as unable to prosecute the voyage, by consent of the Consul or other functionary, the master is required to give him a certificate of discharge. In fact, the seaman is to have this certificate in all cases when discharged, or when his wages are to be paid.

And in case any one or more of the crew should die in the hospital, on shore, or "elsewhere than on board the vessel," the wages, money, and effects, if not already deposited, must be delivered up to the Consul or other functionary nearest to the place where such death occurs.

The master, mate, or person in charge of the vessel, will be liable to the pains and penalties of a misdemeanor for any of the following acts:—

Discharging, abandoning, leaving behind, or

forcing on shore, on any pretence whatsoever, any one or more of his crew, without the sanction of one of the authorities alluded to.

And for any default or neglect in depositing the documents aforesaid, the master incurs a penalty of twenty pounds; and should he deliver any false or incorrect account, the penalty is thirty pounds.

A reasonable time before leaving the port on return to the United Kingdom—or to whatever other port bound—the documents lodged with the Consul or other functionaries are to be returned to the master, with a certificate endorsed on the back of the agreement; but where the required forms or existing laws have been in any respect neglected or transgressed—the Consul or other functionary is to make an entry to that effect, and transmit a copy of this to the Registrar-General of Seamen, and also the necessary proof to insure his conviction on the master's return to the United Kingdom.

RETURN TO THE UNITED KINGDOM.

At the first convenient opportunity of communicating with the shore, any offenders who may have been brought to the United Kingdom under the authority of a British Consul or other functionary, are to be taken, together with the witnesses, before a justice of the peace, who will deal with the matter as directed by law. The allowance of one shilling per day, for the passage home of offenders and witnesses, will be paid on application to the Secretary of the Admiralty.

One of the principal features of the Mercantile Marine Act relates to the payment of wages and discharge of the crew, which must be effected in a shipping office, under supervision of the Shipping Master, and regulations are established on these points with

a view to a satisfactory settlement between parties whose interests are bound up together.

The records of our police courts afford perpetual instances of frivolous and harassing complaints by seamen, and charges of imposition against their employers, stimulated for the most part with the view of extorting money for compromising ; but it will henceforth be presumed that when seamen refuse to refer a dispute to the Shipping Master, who has the power to decide it, but rather to carry it into a police court, it must be either a point of difficult or serious nature, or that the parties are actuated by or stimulated to improper motives.

Within forty-eight hours after arrival of a foreign-going ship in her final port of discharge, the master must deliver to the Shipping Master his agreement, official log-book, and the account of his crew, contained in list marked C. In preparing this and other lists he should be careful that every column is filled up ; the headings denote the information required to be inserted, but there must be no blanks.

The log-book will be re-delivered to the master or owner after the expiration of forty-eight hours, if demanded.

The master should also apprise the Shipping Master if he has any deserters from other ships on board, in order that the owners of such ships may claim the wages earned if so disposed ; and also if any men have not given the true name of the ship in which they last served, five pounds of their wages will be forfeited to the Board of Trade.

The Master must also deliver up to the Shipping Master, the wages and effects of any of the crew who may have died on board during the voyage, stating the particulars on a sanctioned form, familiarly known as the K K.

The law regulating the payment of wages is ex-

plained in Chapter XI.; and a proper time being appointed, and the balanced account of each member of the crew being rendered to him or the Shipping Master in his behalf twelve hours prior to such notice, the master must attend in order to explain the entry in the log-book of such penalties and forfeitures as are deducted, and should he neglect to deliver this explanation, the deductions shall not be allowed.

Any dispute referred to the Shipping Master by consent of both parties is to be finally decided by him, and he will require a written submission that it has been so referred, which document shall be received as evidence.

When a satisfactory settlement is made, all parties are to sign a release in a sanctioned form. No receipt for wages will be legal unless the wages have been paid in the manner prescribed in these regulations.

Finally, the master shall give in his report of character of the crew; and when all is completed, receive from the Shipping Master a certificate that the requirements have been complied with, which will enable him to jerk his ship.

CHAPTER XVIII.

VOYAGES OF HOME-TRADE SHIPS.

As all classes of vessels of whatever tonnage (with certain exceptions) employed in coasting, fishing, and trading to the continent within the limits of Brest and the river Elbe are made liable to many of the provisions of the Mercantile Marine Act, while the Merchant Seamen's Act has hitherto excluded vessels under eighty tons from certain obligations, it may be well, in order to prevent misunderstanding, to define precisely the regulations that will in future apply to

these vessels. In the Interpretation Clauses of the Mercantile Marine Act, the word "Ship" is defined to "include every description of sea-going vessel;" and the expression "Home-trade ship" shall include every "ship" to which this act applies, employed in trading or going within the following limits: (that is to say,) the coasts of the United Kingdom, the Islands of *Guernsey, Jersey, Sark, Alderney, and Man*, and the continent of *Europe*, between the river *Elbe* and *Brest* inclusive.

The 48th and 51st sections of the same act provide for the execution and deposit of agreements of "Home-trade ships," without any exception as to vessels under eighty tons; it follows, therefore, that all Home-trade ships, or what were heretofore recognised as Coasters, come under the provisions, and that whatever may be the size or description of the vessels, the crews must* be engaged by written agreement, an official log-book kept, and half-yearly lists deposited, before the Customs transire or other documents, necessary to enable them to prosecute their business, can be obtained.

The exceptions and the recognition of the terms are explained in clause 4 of the Mercantile Marine Act as follows:—

4. And be it enacted, that the several parts of this Act which relate to any "Ships," or to the owners, masters, mates, "seamen," or apprentices of any "Ships," shall, so far as the context and subject-matter admit, have the following applications; (that is to say,)

So much of this Act as repeals, alters, or explains any existing enactment shall apply to the same "Ships" and to the same matters and persons to which such enactment applies:

The remainder of this Act shall, so far as the context and subject admit, apply to all "Ships," registered or licensed in the "United Kingdom," (except such as are exclusively employed in fishing on the coasts of the "United Kingdom," and such as belong to the corporation of the *Trinity House of Deptford Strond*, the commissioners of northern lighthouses, or the

* See next page.

corporation for preserving and improving the harbour of *Dublin*, and also except pleasure yachts,) and also to all "Ships" registered or licensed in any other part of "Her Majesty's dominions," and employed in trading or going between any place in the "United Kingdom" and any place or places not situate in the territory or colony in which such "Ship" is registered, and to the owners, masters, mates, and crews of such "Ships" respectively.

The 15th section of the amended Mercantile Marine Act relieves Masters of vessels trading on the coasts of the United Kingdom from carrying official Log Books, and also such vessels when under 80 tons from having written agreements, but the Master must at the end of every half-year deposit his agreement if above 80 tons, and list D, whatever may be his tonnage, with a Shipping Master, whose receipt will enable him to clear the Customs. He must also take care that the berthing place contains a space of nine superficial feet for each of the crew.

The master of a Home trade Ship is not required to execute the agreement in the presence of the Shipping Master, therefore he should be careful to do it properly on form B, and to have a witness to each signature.

The agreement may be made for the voyage or the run, or for monthly wages ; but it must not extend beyond the 30th of June, if made prior to that date ; nor beyond 31st of December, if made between the 1st of July and the 31st of December. A copy must be exhibited in a place accessible to the crew.

It is not necessary that the agreement of a Home-trade ship should be in duplicate, nor is it required that the master shall produce the agreement to the Customs' officer, but the original—not a copy, as heretofore—must be deposited, and the list marked D, within twenty-one days after the 30th of June and 31st of December in each year.

The master of a Home-trade ship may, if so dis-

posed, avail himself of the facilities afforded by the shipping office to procure his crew and execute the agreement ; and in many cases it is desirable he should do so, and also effect the settlement at the end of the half-year, by which means it is probable disputes may be satisfactorily arranged ; when he has imposed forfeitures for breach of the law, or of the stipulations agreed on, the deduction must be sanctioned by the Shipping Master.

CHAPTER XIX.

REGISTRY.

It had long been a reproach to this country, whose interests are so deeply concerned in all that relates to Commerce and Navigation, and whose prosperity is dependant on her Naval ascendancy ; that, although enjoying the essential elements in a superior degree, we were wanting in the information which other nations possess, namely, accurate statistics with regard to the number and capacity of our Mariners.

Shortly after the passing of the Reform Bill, the state of the Mercantile Navy, and the means of obtaining seamen for the Fleet, engrossed public attention : the subject was greatly agitated, and inquiry called for. It was contended that, owing to the disregard of those means which had formerly sufficed to produce good seamen,—namely, rearing them as apprentices in Merchant Ships—the character of our Mariners for skill and subordination was degenerating as the old stock wore away ; that the laws passed for their protection were inadequate for the purpose, and wanting in means of affording prompt redress for

injury ; that the seamen's contributions to the fund, established for support in old age, were diverted from their intention, to augment the revenue of Greenwich Hospital, from which institution Merchant Seamen derived no advantage ; and finally, that it was expedient to prepare and organise a means of manning the Fleet in seasons of emergency by drawing from the immense resource of our Mercantile Navy the number of men required for such purpose.

Accordingly, an act was passed in 1834, restoring the moiety of the seamen's monthly contributions paid into Greenwich Hospital, to its legitimate purpose, the deficiency of the Hospital revenue being voted out of the Consolidated Fund. In the same year two Bills were introduced by the Right Hon. Sir James Graham, Bart., First Lord of the Admiralty, and subsequently passed into law ; the one to encourage the voluntary enlistment of seamen into the Navy, by limiting the time of service and augmenting the Bounties, with certain contingent advantages for those who promptly complied with the Royal Proclamation calling for their services ; the other consolidated the laws relating to Merchant Seamen ; enacted many important regulations for their benefit, with respect to their agreements, recovery of wages, &c. &c. ; established regulations for carrying into effect the Apprentices laws, according to a scale per tonnage, proposed by the Ship Owners some years before ; and it contained, in addition, a comprehensive scheme for Registering and Classifying the Mariners of the United Kingdom, so as to obtain by ballot or draught the services of any portion required, and provided the means of enforcing the Proclamation on those who refused to respond to the inducements offered by bounties, &c., to come forward when called on.

In the progress of the Bill through Parliament, it

was considered expedient to postpone this latter provision, and to limit it to a precursory measure of registration; such register to comprise the *names* of all seamen employed, derived from the Lists deposited at the termination of Foreign Voyages, and half-yearly by Owners of Coasters, so as, in the first place, to habituate parties to the process of rendering these lists; for all statesmen who have undertaken the consideration of this question come to the same conclusion on one point, namely, that in order to an organisation of our Mercantile Marine, whether as regards the competency of the officers, the discipline of the crews, or the means of recruiting or augmenting the Fleet, one preliminary is indispensable—a Registry that would show the extent and condition of the material to be operated on.

During the ten years' existence of this Act, commonly called the "Merchant Seamen's Act," the realisation of the original intention was repeatedly called for in Parliament; for occasions arose when so much difficulty was experienced in procuring with promptitude crews for a few ships, that probably pressing would have been resorted to, had it not been evident that such a proceeding would have occasioned great alarm, and probably brought about the very evil a demonstration of Naval force is generally calculated to avert. For reasons unnecessary to detail, a convenient opportunity did not arise for reconsideration of the subject till 1844, when it was determined to increase the scope of the Registry so far, as to give it the means of enforcing the Proclamation.

The matter underwent ample consideration before a resolution to this effect was formed, but it was not thought desirable to adhere to the original intention to its full extent; because it would have been harassing to have adopted the classifications, inspections,

and ballotings necessary for a complete organisation, merely to establish a measure of precaution to be called into action only in the event,—which it is the greatest desire of all men to avoid,—the occurrence of war. A Register Ticket of Identity was therefore adopted, bearing a distinguishing number, to be entered opposite to the name of every seaman in the reports of voyages, with certain regulations respecting it; this being considered sufficient for the purpose, without resorting to calls, or interfering with the free action of our mariners, until the actual necessity for doing so arrived.

In 1849, the Navigation Laws were repealed, the only portion preserved being that provision which regulated the employment of foreigners in Foreign-going ships, and excluded them altogether from the coasting trade; but in 1853 this provision was abrogated also, and the employment of foreigners or natives indiscriminately permitted in all British Merchant Vessels, however engaged.

As it would have placed the British seaman at disadvantage to require him to comply with regulations respecting the Register Ticket from which the foreigner was excepted, it became necessary to discontinue such regulations, and revert to the former practice of Registry by means of the names, and other particulars, such as the ages, places of birth, &c., set forth in the lists delivered by Masters of Vessels at the commencement and termination of voyages, and on the Seamen's Certificates of Discharge.

In the session of 1853, two Acts were also passed containing provisions calculated to improve the condition of Naval Seamen; to establish reserves that might suffice for emergencies short of extremity; and when imminent danger arises, provision is made for calling men from the Merchant Service in classes, to serve in the Fleet for a limited time; by such

means obviating the hardship and inconvenience formerly complained of, when the Proclamation was extended over the whole mass, although a portion would suffice.

This is the most important step ever adopted, connected with the vexed question of Manning the Fleet, for while it legalises by statute the law which has heretofore rested on Royal Prerogative, it deprives the regulation of the hardship which formerly attended it, and also obviates the necessity for embargoes, and other obstructions to trade.

It is obvious, that when the necessity arises, the men necessary to man such a Fleet as will defend the realm, and secure free intercourse of trade, must be drawn from the Mercantile Marine, that being the only source that can supply the persons qualified for the service; and it is also obvious that the number of men sufficient for such purpose cannot be maintained in the Navy in long seasons of peace, for this would entail upon the nation the constant expenses of war. The necessity of reserving a power which shall insure the necessary supply is, therefore, not only apparent, but imperative; and the Acts alluded to are well calculated to secure it, should the inducements of Bounties, &c., fail to attract sufficient numbers.

It is provided that all papers and documents delivered or transmitted to the Registrar of Seamen, and retained by him, shall be preserved and placed on record; and a copy, certified by the said Registrar or his assistant to be a true copy, shall be admitted in evidence as fully as the original thereof.

The Registrar of Seamen and his assistant are empowered, by the 57th section of the act, to demand from the master of any vessel belonging to a subject of Her Majesty, the production of the Log Book, Muster-roll, Agreement, apprentice's Indenture or Assignments of Indentures, and a list of

the passengers and persons on board. They are also authorised to muster the crew (including apprentices), and to summon the master before them, to give any information they may respectively require, in order to ascertain whether the provisions of this act, or any other act relating to the laws of navigation, have been duly complied with. They may also take copies of any documents ; and any obstruction, deception, neglect or refusal, subjects the master to a penalty of twenty pounds.

APPENDIX.

THE several Acts relating to Merchant Seamen are intended to be consolidated into one Statute, to be called the “Merchant Service Consolidation Act;” which, being in preparation, is prefaced by an elaborate Analysis, drawn up with great skill and judgment, clearly pointing out the clauses in those Acts which relate to the different Sections of the subject, and to each other.

Besides the Merchant Seamen’s and Mercantile Marine Acts, whose provisions bear exclusively on the subject—and which together with the Seamen’s Protection Act are, for such reason, inserted in full in the Appendix, there are other Statutes, which, although not necessary to be detailed at length, contain provisions referred to in the following Analysis. These provisions are contained in the 14 & 15 Vic.,

cap. 102. The Seamen's Fund Winding-up Act of 1851; 16 & 17 Vic., cap. 131. The Merchant Shipping Act of 1853; and 14 & 15 Vic., cap. 79. The Steam Navigation Act of 1851; which are inserted in this Appendix.

ANALYSIS.

	Subject Matter.	Corresponding Clauses.
Board of Trade.	General functions of Board of Trade .	13 & 14 Vict. c. 93, s. 6.
	New officers and servants to be appointed	Ibid. s. 17.
	Minutes, &c., if sealed to be evidence .	Ibid. s. 19.
	Board of Trade to issue forms of instruments, and provisions for compelling the use thereof	Ibid. ss. 20, 21, 41.
	Forms to be exempt from Stamp Duty	7 & 8 Vict. c. 112, s. 41 ; 13 & 14 Vict. c. 93, s. 22.
	Penalties for forging, altering, or not using forms	Ibid. s. 23.
	Shipping masters, &c., to pay over fees, fines, &c., to Board of Trade	Ibid. s. 116.
	Monies not presently required to be invested in Parliamentary Securities .	Ibid. s. 117.
	Monies to be applied in payment of expenses, &c.	Ibid. s. 118.
	Accounts to be laid before Parliament .	Ibid. s. 18.
	Accountant to Naval Dept. of the Board of Trade	14 & 15 Vict. c. 96, s. 29.
	Constitution of Local Marine Boards .	13 & 14 Vict. c. 93, s. 7.
	Qualification of voters for members of such Boards	Ibid. s. 9.
Local Marine Boards.	Lists of such Voters to be made	Ibid. s. 10.
	Revision of Lists of Voters	Ibid. s. 11.
	Registers to be produced	Ibid. s. 12.
	Expenses to be paid by Board of Trade .	Ibid. s. 13.
	Persons on List qualified to vote	Ibid. s. 14.
	Qualification of members	Ibid. s. 15.
	Minutes and business of Local Marine Boards	Ibid. ss. 8. 102.
	Error in elections not to vitiate acts done	Ibid. s. 7.
	Provision in default of election or attendance	Ibid. s. 7. 14 & 15 Vict. c. 96, s. 3.

	Subject Matter.	Corresponding Clauses.
Shipping Offices.	Local Marine Board to establish shipping offices	13 & 14 Vict. c. 93, s. 35.
	Board of Trade to have partial control over shipping offices	Ibid. s. 35.
	General business of such offices	Ibid. s. 36; 14 & 15 Vict. c. 96, s. 14.
	Fees to be paid on engagements and discharges	Ibid. s. 38; 14 & 15 Vict. c. 96, s. 28.
	Masters to pay fees and deduct part from wages	18 & 14 Vict. c. 93, s. 39.
	Shipping masters taking other remuneration to be liable to penalty	Ibid. s. 40.
	Business of shipping offices may be transacted at Customs	Ibid. s. 42.
	In London Board of Trade may appoint Sailors' Homes to be shipping offices	Ibid. s. 43.
	Fees may be retained for use of Sailors' Homes	Ibid. s. 43.
	Board of Trade may dispense with shipping masters' superintendence	Ibid. s. 44.

Certificates of Officers.

Certificates of Masters and Mates.	Examinations to be instituted for masters and mates of foreign-going ships	Ibid. c. 93, s. 24.
	Powers of Board of Trade over examinations	Ibid. s. 24.
	Fees to be paid by applicants	Ibid. s. 26.
	Certificates of competency to be granted to those who pass	Ibid. s. 26.
	Certificates of service, and, in some cases, of competency, to be delivered to persons who have already served, and to naval officers	Ibid. s. 27.
	Power of instituting investigation, and cancelling or suspending certificate	Ibid. ss. 28, 31; 14 & 15 Vict. c. 96, s. 4.
	Registration of certificates	Ibid. s. 29.
	No foreign-going ship to proceed to sea without production of the certificates	Ibid. ss. 30, 31; 14 & 15 Vict. c. 96, ss. 5, 6.
	Penalties for false representations, and for forging, altering, or fraudulently using certificates	Ibid. s. 31.

Registration of Seamen and Apprentices.

Subject Matter.		Corresponding Clauses.
Registration of Seamen.	Establishment of registry office	5 & 6 W. 4, c. 19; 7 & 8 Vict. c. 112, s. 19; 13 & 14 Vict. c. 93, ss. 32, 37.
	Seamen and apprentices to be registered by means of tickets	7 & 8 Vict. c. 112, s. 20.
	Loss of register ticket and mode of renewal	Ibid. s. 22.
	False answer a misdemeanor	Ibid. s. 22.
	Register tickets of deceased seamen	Ibid. s. 23.
	Register tickets of seamen imprisoned, &c.	Ibid. s. 6.
	Penalty for retaining ticket	Ibid. s. 21.
	List of cancelled tickets to be published half-yearly	Ibid. s. 24.
	Punishments for counterfeiting tickets, tendering false tickets, and accepting cancelled tickets	Ibid. ss. 21, 24.
	<i>Binding of, and Regulations as to Apprentices.</i>	
Binding of, and Regulations as to Apprentices.	Parish boys may be bound apprentices to the sea service	Ibid. ss. 32, 35, 36.
	Such apprentices to be provided with outfit; indentures how to be disposed of; expenses to be borne by Union	Ibid. ss. 35, 36.
	Indentures how to be sued on	Ibid. s. 35.
	Assignment of such apprentices	Ibid. s. 34.
	Parish apprentices may be turned over to the sea service	Ibid. s. 33.
	Other apprentices how to be bound and assigned	Ibid. s. 40.
	Apprentices not to contribute to Seaman's Fund, &c.	Ibid. s. 41.
	Termination of apprenticeships	Ibid. s. 32.
	Mode of cancelling of indentures of apprenticeship	Ibid. s. 38.
	Cancelling of indentures and deaths and desertions of apprentices to be notified	Ibid. s. 38.
	Indentures and assignments to be registered	Ibid. s. 39.
	Penalty for suffering apprentices to quit service	Ibid. s. 42.
	Justices to determine complaints between masters and apprentices	Ibid. s. 43.
	Shipping Masters to assure in binding apprentices	14 & 15 Vict. c. 96, s. 14.

Engagement, Discharge, and Wages.

Subject Matter.	Corresponding Clauses.
Engagement of, and Agreements with, Seamen.	8 & 9 Vict. c. 116, s. 1.
	Ibid. ss. 3, 4, 5, 6.
	8 & 9 Vict. c. 116, s. 8 ; 14 & 15 Vict. c. 96, s. 14.
	13 & 14 Vict. c. 93, s. 46; 14 & 15 Vict. c. 96, ss. 7-15.
	13 & 14 Vict. c. 93, s. 47 ; 14 & 15 Vict. c. 96, s. 7-8.
	14 & 15 Vict. c. 94, s. 9.
	14 & 15 Vict. c. 96, s. 10, 11, 12.
	Ibid. s. 55.
	7 & 8 Vict. c. 112, s. 54.
	Ibid. s. 2.
	13 & 14 Vict. c. 93, s. 50.
	Ibid. s. 51.
	Ibid. s. 49.
	Ibid. s. 55.
	Ibid. s. 52.
	Ibid. s. 53.
	Ibid. s. 54.
	Ibid. s. 59; 14 & 15 Vict. c. 96, s. 16.
	Ibid. s. 60. z

		Subject Matter.	Corresponding Clauses.
Discharge of Seamen at home, and rights to, and recovery of Wages.	Discharge of Seamen abroad.	Power to sue on advance notes under certain conditions . . . }	13 & 14 Vict. c. 93, s. 61 ; 14 & 15 Vict. c. 96, s. 17.
		Regulation of allotment notes . . .	Ibid. s. 62.
		Right to wages, and provisions when to begin . . .	Ibid. s. 56.
		Seamen discharged before voyage to have compensation . . .	Ibid. s. 57.
		Sale of wages, &c., to be invalid . . .	7 & 8 Vict. c. 112, s. 12.
		Wages to be paid in case of wreck . . .	Ibid. s. 17.
		Master to deliver account of wages . . . }	13 & 14 Vict. c. 93, ss. 95, 101.
		Discharge from foreign-going ships to be made before shipping master . . .	Ibid. s. 96, 101.
		On discharge masters to give seamen their tickets and certificates . . .	7 & 8 Vict. c. 112, s. 13.
		Masters to make reports of character to shipping master . . .	13 & 14 Vict. c. 93, s. 99, 101.
	Discharge of Seamen at home.	Shipping master to hear and decide disputes referred to him . . .	13 & 14 Vict. c. 93, s. 97.
		Release to be given before, and to be attested by shipping master, who is also to give vouchers to the master . . .	Ibid. s. 98.
		Master, &c., to produce papers and give evidence to shipping master . . .	Ibid. s. 100, 101.
		Period within which wages are to be paid . . . }	7 & 8 Vict. c. 112, ss. 11, 14.
		No seaman to sue for wages abroad, except in cases of personal danger . . .	13 & 14 Vict. c. 93, s. 94.
		Seamen may sue for wages in a summary manner . . . }	7 & 8 Vict. c. 112, ss. 14, 15.
		Restrictions on suits for wages in superior courts . . .	Ibid. s. 16.
		In certain cases masters to have same rights as seamen . . .	Ibid. s. 16.
		On discharge of seamen abroad tickets and certificates to be given, and seamen to be sent home at expense of owner . . .	Ibid. s. 17.
		No seaman to be discharged abroad without consent of some functionary.	Ibid. s. 46.
		Board of Trade may dispense with sanction for discharge of men in colonies . . .	13 & 14 Vict. c. 93, s. 76.

Subject Matter.	Corresponding Clauses.
Entering the Navy, Discharge of Seamen abroad.	7 & 8 Vict. c. 112, s. 48.
	Ibid. s. 49.
	Ibid. s. 49.
	11 Geo. 4. c. 20, s. 82.
	7 & 8 Vict. c. 112, s. 52.
	Ibid. s. 52.
	Ibid. s. 50.
	Ibid. s. 51.
	Ibid. s. 45.

Comfort of Seamen on board Ship.

Provisions, Health, and Accommodation.	7 & 8 Vict. c. 112, s. 57.
	Ibid. s. 12.
	13 & 14 Vict. c. 93, s. 81.
	7 & 8 Vict. c. 112, s. 18 ;
	13 & 14 Vict. c. 93,
	ss. 64, 65 ; 15 & 16
	Vict. c. 96, s. 18, 19.
	Ibid. ss. 68, 69.
	Ibid. s. 66.
	Ibid. s. 67.
	7 & 8 Vict. c. 112, s. 18.
	Ibid. s. 19.
	8 & 9 Vict. c. 14.
	13 & 14 Vict. c. 93,
	ss. 63, 69

Offences and Punishments.

	Subject Matter.	Corresponding Clauses.
Provisions for promoting discipline.	Misconduct endangering ship, or life or limb, a misdemeanor	13 & 14 Vict. c. 93, s. 77.
	Summary punishments for desertion, refusal to join, absence without leave, disobedience, unlawful combinations, assaults on officers, damage to ship, and embezzlement of cargo	7 & 8 Vict. c. 112, ss. 6, 7, 9. 13 & 14 Vict. c. 93, ss. 70, 78.
	Such punishments not to be inflicted without entry in log	7 & 8 Vict. c. 112, s. 7. 13 & 14 Vict. c. 93, ss. 70, 78.
	Entries and certificates of desertion to be copied, sent home, and admitted in evidence	Ibid. s. 74.
	Master or owner may apprehend deserters, &c., without warrant	Ibid. ss. 71, 72.
	Power to justice to send deserters, &c., on board	7 & 8 Vict. c. 112, s. 6. 13 & 14 Vict. c. 93, s. 70.
	Wages accruing during imprisonment may be forfeited	Ibid. s. 80; 15 & 16 Vict. c. 96, s. 22, 23.
	Amount of forfeitures how to be ascertained when seamen contract by the voyage	7 & 8 Vict. c. 112, s. 8.
	Forfeiture for false statement as to last ship or name	13 & 14 Vict. c. 93, s. 75. 7 & 8 Vict. c. 112, s. 9. 13 & 14 Vict. c. 93, s. 73.
	Application of forfeitures	Ibid. s. 79.
	Fines to be deducted from wages, and paid to shipping master	7 & 8 Vict. c. 112, s. 9.
	Register tickets of deserters	Ibid. s. 10; 15 & 16 Vict. c. 96, s. 20.
	Penalty for harbouring deserters	13 & 14 Vict. c. 93, s. 82; 15 & 16 Vict. c. 96, s. 23.
Naval Court abroad.	Constitutions and functions of naval court	Ibid. s. 83.
	Costs of proceeding, and compensation for delay	Ibid. s. 84.
	Penalty for preventing complaint	

	Subject Matter.	Corresponding Clauses.
Means of punishing crimes committed abroad.	Common assaults may be summarily punished by two justices. . . .	7 & 8 Vict. c. 112, s. 44.
	Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction	Ibid. s. 58.
	Conveyance of such offenders and witnesses to England	Ibid. ss. 59, 60.
	Depositions taken before consuls to be received in evidence when witness cannot be produced	7 & 8 Vict. c. 112, s. 59. 13 & 14 Vict. c. 93, s. 115.
	Register tickets of offenders sent home	7 & 8 Vict. c. 112, ss. 59, 60.

Means of Information.

Official Log Book and Returns.	Changes in cases of foreign-going ships to be reported	13 & 14 Vict. c. 93, ss. 88, 93.
	Official log books to be kept in forms sanctioned by Board of Trade	Ibid. s. 85.
	Penalties for default, and for false or improper entries	Ibid. s. 93.
	Entries of offences, fines, and punishments, and as to character, to be made in log	Ibid. s. 86.
	Entries of illness, injury, and death, and of seamen leaving ship, to be made in like manner	Ibid. s. 87.
	Lists to be made containing certain particulars relating to the crews . .	7 & 8 Vict. c. 112, ss. 26, 27.
	Logs and lists for foreign-going ships to be delivered to shipping master on arrival	7 & 8 Vict. c. 112, s. 26. 13 & 14 Vict. c. 93, s. 89.
	Logs and lists for home trade ships to be delivered half-yearly	7 & 8 Vict. c. 112, s. 26. 13 & 14 Vict. c. 95, s. 93. 14 & 15 Vict. c. 96, s. 15.
	Logs and lists to be sent home in cases of transfer or loss of ship . .	7 & 8 Vict. c. 112, s. 28. 13 & 14 Vict. c. 93, s. 91.
	Logs to be re-delivered to master or owner on demand	Ibid. s. 92.
	Return to be made of ships unemployed	7 & 8 Vict. c. 11.
		K 2

	Subject Matter.	Corresponding Clauses.
Returns and Inspection.	Powers of procuring returns . . .	13 & 14 Vict. c. 93, s. 102.
	Shipping masters, officers of customs, &c. to transmit documents received by them to registrar . . .	7 & 8 Vict. c. 112, ss. 25, 29.
	Officers of customs to make returns of ships to registrar . . .	13 & 14 Vict. c. 93, s. 34.
	Ship's agreement, &c., to be deposited with consuls and officers of customs . . .	7 & 8 Vict. c. 112, s. 27.
	Shipping officers, consuls, and officers of customs may inspect documents and muster crews . . .	Ibid. s. 53.
	In cases of accident and gross violation of law, the Board of Trade may appoint special inspectors to report . . .	Ibid. ss. 55, 56.
	Inspector may call for evidence . . .	13 & 14 Vict. c. 93, s. 103.
	Penalties for obstructing inspectors . . .	Ibid. s. 104.
		Ibid. s. 105.
		Ibid. s. 106.

Protection of Seamen from Imposition on shore.

Protection from imposition.	No debt exceeding 5 <i>l.</i> to be recoverable from a seaman whilst engaged . . .	7 & 8 Vict. c. 112, s. 10.
	Penalty for overcharges by lodging-house keepers . . .	8 & 9 Vict. c. 116, s. 11.
	Mode of recovering effects improperly detained . . .	7 & 8 Vict. c. 112, s. 10.
	Persons not to be admitted on board before arrival of ship without permission . . .	8 & 9 Vict. c. 116, s. 11.
	Penalty for soliciting seamen to lodge in houses of unlicensed persons . . .	Ibid. s. 9.
		Ibid. s. 10.

Mode of Procedure.

Procedure.	Misdemeanors and other offences how to be prosecuted, and sums of money how to be recovered . . .	7 & 8 Vict. c. 112, ss. 14, 15, 47, 62.
	Jurisdiction to be where offence, &c. is committed, or where offender is . . .	8 & 9 Vict. c. 116, s. 12.
	Service to be made personally, or on board ship, &c.	13 & 14 Vict. c. 93, s. 107.
		7 & 8 Vict. c. 112, ss. 47, 62.
		13 & 14 Vict. c. 93, s. 108.
		Ibid. s. 109.

	Subject Matter.	Corresponding Clauses.
Procedure.	Parties may give evidence . . . {	7 & 8 Vict. c. 112, s. 15.
	Reduction and mitigation of penalties .	13 & 14 Vict. c. 93, s. 110.
	Manner of enforcing orders for payment of wages . . .	7 & 8 Vict. c. 112, s. 62.
	Manner of enforcing payment of penalties . . . }	Ibid. s. 15.
	Application of penalties	Ibid. s. 62.
	Costs when a complaint is dismissed .	8 & 9 Vict. c. 116, s. 12.
	No order, &c., to be void for informality . . . }	13 & 14 Vict. c. 93, s. 111.
	Distress not unlawful for want of form.	7 & 8 Vict. c. 112, s. 62.
	Limitation of time. {	8 & 9 Vict. c. 116, s. 14.
		13 & 14 Vict. c. 93, s. 112.

Colonial Shipping.

E. India & Colonial.	East Indian and colonial governments may give directions for enforcing this act	Ibid. s. 120.
	Provisions of this act, when adopted by such governments, to be enforced as to their ships throughout the empire .	Ibid. s. 121.
	Acts of such governments to be subject to disallowance, &c., as in ordinary cases	Ibid. s. 122.

Miscellaneous.

Miscellaneous.	As to the disposal of effects of seamen dying abroad	7 & 8 Vict. c. 112, s. 31.
	Penalty for obtaining passage surreptitiously	13 & 14 Vict. c. 93, s. 123.
	Municipal corporations, &c., may grant sites for sailors' homes	Ibid. s. 124.
	Relief to persons from Asia or Africa becoming distressed in the United Kingdom	7 & 8 Vict. c. 112, s. 64.
	Pilots, misconduct of	15 & 16 Vict. c. 96, s. 21.

Memorandum.—All the Provisions in this Act relating to Register Tickets were discontinued on the 1st of October, 1853, under the authority contained in Section 32 of 13 & 14 Vict. c. 93.

MERCHANT SEAMEN'S ACT.

AN ACT

TO AMEND AND CONSOLIDATE THE LAWS RELATING
TO MERCHANT SEAMEN; AND FOR KEEPING A
REGISTER OF SEAMEN.

7 & 8 VICTORIA, CAP. 112.

WHEREAS the prosperity, strength, and safety of this United Kingdom and Her Majesty's dominions do greatly depend on a large, constant, and ready supply of seamen; and it is therefore expedient to promote the increase of the number of seamen, and to afford them all due encouragement and protection, and for this purpose to amend and consolidate the laws relating to them; and it is also expedient to keep a register of seamen: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand eight hundred and forty-five, from which day this act shall commence and take effect, an act passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled "An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service," shall be and the same is hereby repealed, except so far as such act repeals the acts thereby repealed, and except so far as relates to the establishment, maintenance, and regulations of the office called "The General Register Office of Merchant Seamen:" provided always that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previously to the commencement of this act, shall and may be punishable and recoverable respectively under the above-mentioned act as

The act 5 &
6 W. 4, c. 19,
repealed
after 1st Jan.
&c. 1845,
except, &c.

if the same had not been repealed : provided also, that all acts and things made, done, or executed under or by virtue of and in accordance with the provisions of the said act passed in the sixth year of the reign of his late Majesty King William the Fourth, prior to the commencement of this act, shall be good, valid, and effectual to all intents and purposes.

2. And be it enacted, that it shall not be lawful for any master of any ship, of whatever tonnage or description, belonging to any subject of Her Majesty, proceeding to parts beyond the seas, or of any British registered ship of the burden of eighty tons or upwards employed in any of the fisheries of the United Kingdom, or in proceeding coastwise, or otherwise, from one part of the United Kingdom to another, to carry to sea any seaman as one of his crew or complement (apprentices excepted), unless the master of such ship shall have first made and entered into an agreement in writing with such seaman, specifying what wages such seaman is to be paid, the quantity of provisions he is to receive, the capacity in which he is to act or serve, and the nature of the voyage in which the ship is to be employed, so that such seaman may have some means of judging of the period for which he is likely to be engaged ; and that such agreement shall be properly dated, and shall be signed by such master in the first instance, and by the seamen respectively at the port or place where they shall be shipped ; and that the signature of each of the parties thereto shall be duly attested by one witness at the least, and that the master shall cause the agreement to be read over and explained to every such seaman in the presence of such witness, before such seaman shall execute the same ; and it shall not be lawful for the master of any ship to carry to sea any seaman, being a subject of Her Majesty, until he shall also have first obtained from every such seaman or other person his register ticket (to be procured as hereinafter mentioned), which ticket the said master is hereby required to retain (except in the cases hereinafter provided), until the service of such seaman shall have terminated, and at the termination of such service the said master shall return the register ticket to him.*

No seaman to be taken to sea without a written agreement, or without a register ticket being obtained from such seaman.

Agreement to be read over and explained to seamen.

3. And be it enacted, that in the case of any ships, of whatever tonnage or description, belonging to any subject or subjects of Her Majesty, and proceeding to parts beyond the seas, (except as hereinafter provided,) the agreement shall be in the form set

Regulations respecting form of agreements.

* All regulations respecting agreements contained in sections 2, 3, 4, and 5, are repealed, and re-enacted by the 46th and following sections of the Mercantile Marine Act.

and how to
be disposed
of.

No ship to
be cleared
inwards until
receipt for
agreement is
produced.

Agreements
in form of
schedule (B.)
not to extend
beyond 30th
June and 31st
December.

Owner or
master to
deliver such
agreements
or copies
thereof half-
yearly.

forth in schedule (A) to this act annexed, and shall contain the several particulars therein mentioned or required; and the master shall, within twenty-four hours after the ship's arrival at her final port of destination in this United Kingdom, deliver or cause to be delivered to the collector or comptroller of the customs at and for such port every agreement so made as aforesaid, or a true copy thereof, and of every endorsement thereon, the agreement, or copy thereof, in either case, to be certified as such by such master or owner, and also by the mate or next officer (if any) of such ship or vessel, each of whom is hereby required to sign such certificate in the presence of one attesting witness at the least; and if the original agreement be delivered to such collector or comptroller he shall retain the same until all the wages to which the agreement relates shall be paid or satisfied, and then he shall transmit such original agreement to the registrar of seamen; and no such ship shall be cleared inwards by the tide surveyor or other officer until the master shall produce and show a certificate from such collector or comptroller (which he is hereby required to give) to the effect that he has delivered his agreement, or an attested copy thereof, as aforesaid; and the tide-waiters left on board shall be maintained at the expense of the master or owner until such certificate shall be produced and shown, or until it shall be proved to the satisfaction of the tide surveyor or other officer that such agreement or agreements, or such copy thereof, has or have been so delivered as aforesaid; and in the case of any ship employed in fishing on the coasts of the United Kingdom or proceeding from one part of the United Kingdom to another, or proceeding to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any place on the Continent of Europe between the river Elbe inclusive and Brest, the agreement shall be in the form set forth in Schedule (B) to this act annexed, and shall contain the several particulars therein mentioned or required; and every such agreement shall not extend beyond the thirtieth of June and the thirty-first of December in each year, or on arrival in any port of the United Kingdom after the same respective dates; and the owner or master of every such ship as last aforesaid shall, within twenty-one days next after the thirtieth day of June and the thirty-first day of December in each year, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the customs of any port of the United Kingdom, every agreement made within the six months next preceding such thirtieth day of June and thirty-first day of December respectively, or a true copy thereof, and of every endorsement thereon, certified as aforesaid; and such collectors and comptrollers respectively shall and are hereby required to give a receipt (specifying the

nature of the document) for every agreement or other document, or such copy thereof, to the master, owner, or person so delivering the same; and no master or owner, after the expiration of the said twenty-one days, shall be entitled to or receive a transire, or any other customs document necessary for the conduct of the business of the ship, until he shall produce and show such receipt, or shall prove to the satisfaction of the officer that every such agreement, or such copy thereof as aforesaid, has been duly delivered as aforesaid; and the owner or master of every ship under the burden of eighty tons, employed as last aforesaid, who is not required by this act to enter into any written agreement with his crew, shall, before employing any seaman or other person in the service of his ship, receive from every such seaman or other person his regular ticket, and shall retain the same until the service of such seaman or other person shall have expired, and at the expiration of such service the master shall return the register ticket to the person entitled thereto.

Vessel not to receive transire, &c., until receipt for such agreement be produced.
Masters of vessels under eighty tons in coasting or fishing trade to receive tickets from seamen.

4. And be it enacted, that if any master or owner shall carry out to sea any seaman (apprentices excepted) without having first entered into the required agreement with such seaman, or if any master shall not obtain from any seaman or other person, being a subject of Her Majesty, his regular ticket, according to the provisions of this act, he shall in either and every of such cases forfeit and pay the sum of ten pounds for and in respect of every such seaman; and if any master or owner shall neglect to cause such agreement to be read over and explained to such seaman before the signing or execution thereof by such seaman, the said master or owner shall for each neglect forfeit and pay the sum of five pounds for every such seaman; and if any master or owner shall neglect or omit to deliver or cause to be delivered to such collector or comptroller any such agreement, or such copy thereof, as aforesaid, or shall not deliver up any register ticket to the person entitled to it at the expiration of his service, or otherwise, as required by this act, he shall for every such neglect, omission, or offence forfeit and pay the sum of ten pounds, or if any master or owner shall deliver or cause to be delivered a false copy of the agreement he shall for every such offence forfeit and pay the sum of twenty pounds.

5. And be it enacted, that no seaman, by reason of any agreement, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages to which he would otherwise be entitled against any person or persons whatever; remedies.

No agreement contrary to the act, or to forego salvage, to be valid; and certified copy of agreement to be evidence.

Seamen not bound to produce agreement.

and no agreement contrary to or inconsistent with this act, nor any clause, contract, or engagement whereby any seaman shall consent or promise to forego or give up any right or claim to salvage or reward for salvage services as shall or may be due to him by decree or award, or otherwise, shall be valid or binding on such seaman; and every copy of an agreement so certified and delivered as aforesaid shall in all cases be received and taken as evidence of the contents of the agreement for and on behalf of the seaman; and no seaman shall in any case be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but in case the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

Seamen refusing to join, or to proceed in the ship, or absenting themselves, may be committed to gaol, or be sent on board.

6. And be it enacted, that in case a seaman, whether before the commencement or during the progress of any voyage, shall at any time neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in such ship, or shall absent himself therefrom without leave, or shall desert, it shall be lawful for any justice of the peace in and for any of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where such ship shall happen to be, or where such seaman shall be found, and such justice is hereby required, upon complaint made upon oath by the master, mate, or owner, or his agent, to issue his warrant, and cause such seaman to be apprehended, and brought before him; and in case such seaman shall not give a reason to the satisfaction of such justice for his neglect, refusal, or absence, as the case may be, or in case of desertion, it shall be lawful for any such justice, upon due proof of such neglect, refusal, absence, or desertion, to commit such seaman to prison or to the House of Correction, there to be imprisoned with or without hard labour, at the discretion of such justice, for a period not exceeding thirty days; or it shall be lawful for the said justice, if he shall so think fit, at the request of the master, mate, or owner, or his agent, instead of committing such seaman, to cause him to be conveyed on board the said ship, or to be delivered to the master, mate, or owner, or his agent, for the purpose of being so conveyed and proceeding on the voyage, and also to award to the master or owner such costs incurred in the apprehension of the seaman as to such justice shall seem reasonable, not exceeding in any case the sum of forty shillings, which shall be chargeable against and may be deducted from the wages of such seaman; and whenever any seaman shall be committed to

When sea-

prison or to any house of correction, the justice shall cause his register ticket to be delivered to the governor or keeper of such prison or house of correction, who shall retain the same during the period of the seaman's imprisonment, and at the expiration of such period shall return the register ticket to the seaman; and whenever a seaman shall be sentenced to death or transportation, the officer having the custody of such seaman shall transmit his register ticket to the registrar of seamen.*

7. And be it enacted, that if any seaman during the time or period specified for his service shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of desertion, or not treated as such by the master,) forfeit out of his wages the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expences as shall have been necessarily incurred in hiring a substitute: and in case any seaman while he shall belong to the ship shall without sufficient cause neglect or refuse to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours' continuance thereof; and in case any such seaman after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship, without a previous discharge or leave from the master, he shall forfeit one month's pay out of his wages: provided always, that no such forfeiture shall be incurred unless the fact of the seaman's absence, neglect, or refusal shall be duly entered in the ship's log-book, the truth of which entry it shall be incumbent on the owner or master, in all cases of dispute, to substantiate by the evidence of the mate or some other credible witness.*

8. And be it enacted, that in all cases where the seaman shall have contracted for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeitures to be incurred by seamen under this act shall be ascertained in manner following; (that is to say,) if the whole time spent in the voyage agreed upon shall exceed one calendar month, the forfeiture of one month's pay expressed in this act shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages or share as a calendar month shall bear to the

* See 13 & 14 Vict. c. 93, ss. 70, 78; 14 & 15 Vict. c. 96, s. 17; 16 & 17 Vict. c. 131, s. 38.

whole time spent in the voyage; and in like manner a forfeiture of six days' pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages or share as the six days or other period shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed the period for which the pay is to be forfeited, the forfeiture shall be accounted and taken to be a forfeiture of the whole wages or share; and the master or owner is hereby authorised to deduct the amount of all forfeitures out of the wages or share of any seaman incurring the same.

Forfeiture
for desertion;

9. And be it enacted, that any seaman or other person who shall desert the ship to which he shall belong, shall forfeit to the owner thereof all his clothes and effects which he may leave on board, and he shall also forfeit all wages and emoluments to which he might otherwise be entitled; and in case of any seaman deserting abroad he shall likewise forfeit all wages and emoluments whatever which shall be or become due or be agreed to be paid to him from or by the owner or master of any other ship in the service whereof such seaman may have engaged for the voyage back to the United Kingdom; and that all wages and portions of wages and emoluments which shall in any case whatever become forfeited for desertion shall be applied, in the first instance, in or towards the reimbursement of the expences occasioned by such desertion to the owner or master of the ship from which the seaman shall have deserted, and the remainder shall be paid to the Seamen's Hospital Society; and the master shall, in case of desertion in the United Kingdom, deliver up the register ticket of such seaman or other person to the collector or comptroller of the customs at the port: provided always, that every desertion be entered in the log-book at the time, and certified by the signatures of the master and the mate, or the master and one other credible witness; and that the absence of a seaman from his ship for any time within twenty-four hours immediately preceding the sailing of the ship from any port, whether before the commencement or during the progress of any voyage, wilfully and knowingly, without permission, or the wilful absence of a seaman from his ship at or for any time without permission, and under circumstances showing an intention to abandon the same, and not return thereto, shall be deemed a desertion of and from the same ship; and in case any seaman shall desert in parts beyond the seas, and the master of the ship shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner or master of the ship

shall be entitled to recover from the deserter, by summary proceeding, in the same manner as penalties are by this act made recoverable (so far as the same can be applied), any excess of wages or portion thereof which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement: provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.*

10. And be it enacted, that if any person shall wilfully harbour or secrete any seaman or apprentice who shall have deserted from his ship, knowing or having reason to believe such seaman or apprentice to be a deserter, every person so offending shall for every such seaman or apprentice so harboured or secreted forfeit and pay the sum of ten pounds; and no debt exceeding in amount five shillings, incurred by any seaman after he shall have engaged to serve, shall be recoverable until the service agreed for shall have been concluded; nor shall it be lawful for any keeper of a public house, or of a lodging house for seamen, to detain any chest, tools, or other property of any seaman for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a seaman, it shall be lawful for any justice of the peace at or near the place, upon complaint upon oath to be made by such seaman or on his behalf, to inquire into the matter upon oath in a summary way; and if it shall appear to such justice that the alleged claim is fraudulent, or that the debt was not fairly incurred to the full amount of the claim, by warrant under his hand and seal, to cause such effects to be seized and delivered over to such seaman; and the person so detaining the same shall forfeit and pay a sum not exceeding ten pounds, at the discretion of such justice.†

Penalty for harbouring deserters.

No debt exceeding 5s. recoverable from a seaman till voyage is ended.

Seamen's effects not to be detained under pre-tence of debt.

Penalty.

11. And be it enacted, that the master or owner of every ship shall and is hereby required to pay to every seaman his wages within the respective periods following; (that is to say,) if the ship shall be employed in coasting, the wages shall be paid within two days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen; and if the ship shall be employed otherwise than coasting, then the wages shall be paid at the latest within three days after the cargo shall have been delivered, or within seven days after the seaman's discharge, whichever

The period within which wages are to be paid.

* See 13 & 14 Vict. c. 98, ss. 70, 78; 14 & 15 Vict. c. 96, s. 47.

† See 8 & 9 Vict. c. 116, s. 11; 14 & 15 Vict. c. 96, s. 20.

shall first happen; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him; and in case the master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days' pay (to be recovered as wages) for each day, not exceeding ten days, during which payment shall, without sufficient cause, be delayed beyond the respective periods aforesaid: provided always, that nothing in this clause contained shall extend to the cases of ships employed in the Southern Whale Fishery, or on voyages for which seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure.

Payment of wages or salvage to be deemed valid, notwithstanding bill of sale, &c.

Allowance for short provisions.

Masters to give seamen their certificates on their discharge.

Penalty for default.

For obtaining im-

12. And be it enacted and declared, that every such payment of wages to a seaman shall be valid and effectual in law, notwithstanding any bill of sale or assignment which may have been made of such wages, or of any attachment or incumbrance thereon, and that no assignment or sale of wages or salvage made prior to the accruing thereof, nor any power of attorney expressed to be irrevocable for the receipt of any such wages or salvage, shall be valid or binding upon the party making the same, and any attachment to be issued from any court whatever shall not prevent the payment of wages to any seaman; and if during the voyage the allowance of provisions which a seaman agreed to receive shall be reduced one-third of the quantity or less he shall receive fourpence per day, and if the reduction be more than one-third he shall receive eightpence per day, during the period such respective deductions may be made, and such pecuniary allowance shall be paid to him in addition to and be recoverable as wages.*

13. And be it enacted, that upon the discharge of a seaman from any ship, or upon payment of the wages to him, he shall receive from the master, and the master is hereby required to give to him, not only his register ticket, but also a certificate of such seaman's service and discharge, in the form set forth in schedule (E.) to this act annexed, specifying the period of his service, and the time and place of his discharge, which certificate shall be signed by the master, and if the master shall not give such certificate to such seaman he shall forfeit and pay to him the sum of five pounds.

14. And be it enacted, that if three days after the termination of the stipulated service, or if three days after a seaman

* See 13 & 14 Vict. c. 93, s. 81.

shall have been discharged, he shall be desirous of proceeding on another voyage, and in order thereto, or for any other sufficient reason, shall require immediate payment of any amount of wages not exceeding twenty pounds, due to him, it shall be lawful for any justice of the peace, in and for any part of Her Majesty's dominions or the territories under the government of the East India Company, where or near to the port or place where such service shall have terminated, or such seaman shall have been discharged, or the party or parties liable shall be or reside, on application from such seaman, and on satisfactory proof that he would be prevented from employment or incur serious loss or inconvenience by delay, to summon such party or parties before him, and if it shall appear to the satisfaction of such justice that there is no reasonable cause for delay, to order payment to be made forthwith, and in default of immediate compliance with such order such party or parties shall forfeit and pay to such seaman, in addition to his wages, the sum of five pounds.

15. And be it enacted, that in all cases of wages, not exceeding twenty pounds, which shall be due and payable to any seaman, it shall be lawful for any justice of the peace in and for any part of Her Majesty's dominions or the territories under the government of the East India Company, where or near to the place where the ship shall have ended her voyage, cleared at the custom-house, or discharged her cargo, or where or near to the place where the party or either of the parties upon whom the claim is made shall be or reside, upon complaint on oath made to such justice by such seaman, or on his behalf, to summon such party or parties to appear before him to answer such complaint; and upon the appearance of such party or parties, or, in default thereof, on due proof of him or them having been so summoned, such justice is hereby empowered to examine the parties and their respective witnesses (if there be any) upon oath, touching the complaint, and the amount of wages due, and to inspect any agreement or copy thereof, if produced, and make such order for payment of the said wages, not exceeding twenty pounds, with the costs incurred by the seaman in prosecuting such claim, as shall to such justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such justice to issue his warrant to levy the amount of the wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale), after deducting thereout all the

costs, charges, and expences incurred by the seaman in the making and prosecuting of the complaint; as well as the costs and charges of the distress and levy; or to cause the amount of the said wages, costs, charges, and expences to be levied on the ship in respect of the service on board which the wages are claimed, or on the tackle and apparel thereof; and if such ship shall not be within the jurisdiction of such justice, or such levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the party upon whom the order shall be made to be apprehended, and committed to the common gaol of the district or county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expences attending the recovery thereof; and the award and decision of such justice as aforesaid, shall be final and conclusive.

Masters to have same remedies for wages as a seaman.

As to suits for recovery of wages.

16. And be it enacted, that all the rights, liens, privileges, and remedies (save such remedies as are against a master himself) which by this act, or by any law, statute, custom, or usage, belong to any seaman or mariner, not being a master mariner, in respect to the recovery of his wages, shall, in the case of the bankruptcy or insolvency of the owner of the ship, also belong and be extended to masters of ships or master mariners, in respect to the recovery of wages due to them from the owner of any ship belonging to any of Her Majesty's subjects; and that no suit or proceeding for the recovery of wages shall, unless they exceed twenty pounds, be instituted against the ship, or the master or owner thereof, either in any Court of Admiralty or Vice-Admiralty Court, or any Court of Record in Her Majesty's dominions, or the territories under the government of the East India Company, unless the owner of the ship shall be bankrupt or insolvent, or the ship shall be under arrest or sold by the authority of any Admiralty or Vice-Admiralty Court, or unless any magistrate acting under the authority of this act shall refer the case to be adjudged by any such court or courts, or unless neither the owner nor master shall be or reside at or near the port or place where the service shall have terminated, or where any seaman shall have been discharged or put on shore.

When ship is sold at foreign port the crew to be sent home at the expense of the

17. And be it enacted, that whenever any ship whatever, belonging to any subject of Her Majesty, shall be sold, transferred, or disposed of at any port out of Her Majesty's dominions, in all such cases (unless the crew in the presence of the British consul or vice-consul, or in case of there not being any such consul or vice-consul, then in the presence of

one or more British resident merchants, not interested in the said ship, shall signify their consent in writing to complete the voyage if continued), or whenever the service of any seaman shall terminate at any place out of Her Majesty's dominions, the master shall and he is hereby required to give to each of the crew, and to each of the seamen whose service shall terminate as last aforesaid, a certificate of discharge in the said form set forth in schedule (E), and also his register-ticket, and, besides paying the wages to which they shall respectively be entitled, either to provide them with adequate employment on board some other British vessel homeward bound, or to furnish the means of sending them back to the port in Her Majesty's dominions at which they were originally shipped, or to such other port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a passage home, or to deposit with the consul or vice-consul, merchant or merchants as aforesaid, such a sum of money as shall by them be deemed sufficient to defray the expences of the subsistence and passage of such seamen; and if the master shall refuse or neglect so to do, such expences, when defrayed by such consul or vice-consul, or any other person on behalf of the seamen, shall be a charge upon the owner of such ship, except in cases of barratry, and may be recovered against such owner as so much money paid to his use, together with full costs, at the suit of the consul or other person defraying such expences, or as a debt due to Her Majesty, in case the same shall have been allowed to the consul out of the public moneys, and if defrayed by the seaman shall be recoverable as wages due to him; and in all cases of wreck or loss of the ship every surviving seaman shall be entitled to his wages up to the period of the wreck or loss of the ship, whether such ship shall or shall not have previously earned freight; provided the seaman shall produce a certificate from the master or chief surviving officer of the ship, to the effect that he had exerted himself to the utmost to save the ship, cargo, and stores.

master or owner, and ticket and certificate of discharge to be given.

Wages to be paid in case of wreck.

18. And be it enacted, that every ship navigating between the United Kingdom and any place out of the same shall have and keep constantly on board a sufficient supply of medicines and medicaments suitable to accidents and diseases arising on sea voyages, in accordance with the scale which shall from time to time or at any time be issued by the Lord High Admiral, or by the commissioners for executing the office of Lord High Admiral, and published in the *London Gazette*; and every ship (except those bound to European ports or to

A supply of medicines, lime juice, sugar, and vinegar, &c., to be kept on board, and seamen hurt in the service of the ship to

be provided
with advice,
&c., gratis.

ports in the Mediterranean Sea) shall also have on board a sufficient quantity of lime or lemon juice, sugar, and vinegar, the lime or lemon juice, sugar, and vinegar to be served out to the crew whenever they shall have been consuming salt provisions for ten days; the lime or lemon juice and sugar daily, after the rate of half an ounce each per day, and the vinegar weekly, at the rate of half a pint per week to each person, so long as the consumption of salt provisions be continued; and in case any default shall be made in providing and keeping such medicines, medicaments, and lime or lemon juice, sugar, and vinegar, the owner of the ship shall incur a penalty of twenty pounds for each and every default; and in case of default of serving out such lime or lemon juice, sugar, or vinegar as aforesaid, the master shall incur a penalty of five pounds for each and every default; and in case the master or any seaman shall receive any hurt or injury in the service of the ship, the expence of providing the necessary surgical and medical advice, with attendance and medicines, and for his subsistence until he shall have been cured, or shall have been brought back to some port of the United Kingdom, shall, together with the costs of his conveyance to the United Kingdom, be defrayed by the said owner of the ship, without any deduction whatever on that account from the wages of such master or seaman; and, if paid by any officer or other person on behalf of Her Majesty, the amount, with full costs of suit, shall be recovered as a debt due to Her Majesty; and every ship having one hundred persons or upwards on board, and every ship the voyage of which shall be deemed under the provisions of the act passed in the sixth year of the reign of her present Majesty, intituled "An Act for regulating the Carriage of Passengers in Merchant Vessels," to exceed twelve weeks, having fifty persons or upwards on board, shall have on board, as one of her complement, some person duly authorised by law to practise in this kingdom as a physician, surgeon, or apothecary; and in case of every default the owner shall incur a penalty not exceeding one hundred pounds.*

What ships
to carry sur-
geons.

Maintenance
of general
register and
record office
of seamen.

19. And whereas in and by the said act passed in the sixth year of the reign of his late Majesty King William the Fourth it was provided, that as soon as conveniently might be after the passing of that act there should be established in the Port of London an office to be called "The General Register Office of Merchant Seamen," which should consist of a registrar and such assistants and clerks, with such salaries and allowances as should be fixed and regulated from time to time by

* See 13 & 14 Vict. c. 93, ss. 64, 65; 14 & 15 Vict. c. 96, ss. 18, 19.

the Lord High Admiral or the commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being; and that such office should be kept at the custom-house of the said port and daily attendance be given thereat during the usual hours of business there; and that the said registrar, his assistants and clerks, should be under the control and directions of the said Lord High Admiral or the commissioners for executing the office aforesaid for the time being: and whereas such office was established under and in pursuance of the said act, and it is expedient to maintain and continue the same under the title of "The General Register and Record Office of Seamen;" be it therefore enacted, that such office, salaries, and allowances, with everything appertaining to the said office, shall be maintained and continued in manner and form, and subject to such regulations, directions, and control, as the said Lord High Admiral or the commissioners for executing the office of Lord High Admiral for the time being have directed or shall direct; and the said Lord High Admiral or the commissioners for executing the office of Lord High Admiral for the time being shall have power to fix and regulate such fees as he or they may deem proper to be paid by the applicants for the inspection and copies of documents in the said office.*

20. And be it enacted, that every person, being a subject of Her Majesty, intending to serve on board any ship subject to the provisions of this act (except as master or physician, surgeon or apothecary), shall and he is hereby required to provide himself with a register ticket, and for that purpose to apply personally at the General Register and Record Office of Seamen in London, or at the custom-houses of the several outports of the United Kingdom; and every applicant is hereby required to answer truly, to the best of his ability, all the questions set forth in schedule (F) to this act annexed, before he shall be entitled to receive his register ticket; and no person shall serve in any capacity on board any ship subject to any of the provisions of this act (except the master, physician, surgeon or apothecary) who is not possessed of such register ticket; and the masters of all apprentices who shall be bound after the commencement of this act, or whose apprenticeship shall be in force when this act takes effect, shall, before commencing a voyage, bring all indentures and assignments of apprenticeships, together with the apprentices themselves, to the registrar of seamen in London, or to the custom-house of the nearest port, in order that each of such apprentices may be furnished with a register ticket, which

Masters to bring indentures and apprentices to the registrar to obtain tickets.

* See 13 & 14 Vict. c. 93, ss. 32, 37.

ticket shall be annexed and be kept annexed to the original indenture retained by the master, and shall be delivered up to the apprentice by the master at the expiration of the apprenticeship; and the registrar of seamen and the collectors and comptrollers of customs respectively are hereby required to grant such tickets to all seamen and other persons requiring the same, and duly complying with the provisions aforesaid.]

Altering, &c. a register ticket, a misdemeanor 21. And be it enacted, that if any person shall alter or destroy a register ticket, or counterfeit, transfer, or traffic in, for gain or otherwise, or attempt to counterfeit, transfer, or traffic in, for gain or otherwise, any register ticket issued or purporting to be issued pursuant to the provisions of this act, he shall for every such offence be guilty of a misdemeanor; and any person becoming possessed of a registered ticket, other than that legally issued to him, shall forthwith transmit the same to the registrar of seamen, and in case of default he shall for every such offence forfeit and pay a sum of twenty pounds.

Penalty of 20l. if ticket be not transmitted.

When register ticket is lost. 22. And be it enacted, that if any seaman shall lose his register ticket he shall forthwith appear in person, and represent his case to the registrar of seamen in London, or the collector or comptroller of customs at any of the outports; and he shall truly answer all reasonable questions put to him by the said registrar or officer of customs; and if it appear that no fraud has been committed, and the loss was unavoidable, he shall be furnished with another register ticket; but if it appear that the seaman did not take due and reasonable care of his former ticket, or if he shall not give a satisfactory account of the same, he shall be liable to a penalty of not exceeding ten shillings and not less than two shillings, and shall not be entitled to any other ticket until such penalty shall be paid; and every person who shall apply for any ticket, and shall give a false answer to any reasonable question which may be put to him by the registrar of seamen, or his assistant, or by the collector or comptroller of customs with reference to the granting such ticket, shall be guilty of a misdemeanor.

Penalty

False answer a misdemeanor.

Register tickets of parties dead. 23. And be it enacted, that all district registrars of births, deaths and marriages shall, and they are hereby required to demand from the person registering the death of any seaman the register ticket of such seaman, and, if delivered to any such registrar, he shall forthwith forward the same to the registrar of seamen; and no person, other than the said registrar of seamen, shall retain the ticket of a deceased seaman; and if any person shall retain any such ticket for

more than twenty days after the death of any such seaman, or ten days after the arrival of the ship in the United Kingdom should the seaman die abroad, he shall be liable to a penalty of not exceeding five pounds in respect of every such register ticket so detained.

24. And be it enacted, that a list shall be prepared from time to time by the registrar of seamen, setting forth the numbers of all the register tickets that have been cancelled by reason of the death of seamen or otherwise within the preceding six calendar months; and such lists shall be published half-yearly in the *London Gazette*, and shall also be transmitted by the said registrar from time to time to the collectors and comptrollers of customs, to be by them conspicuously exhibited in the custom-houses and other stations of their respective ports, and copies of such lists shall be delivered to any master or owner on application; and every master or owner entering into an agreement with any seaman producing such cancelled ticket, shall be liable to and incur a penalty of not exceeding five pounds; and every seaman tendering or delivering to a master a cancelled ticket, or any other ticket not legally issued to him, or falsely representing himself to be a foreigner, shall forfeit to the owner all wages which shall become due to him during the service, for which he shall agree or shall have agreed.

List of cancelled tickets to be prepared by registrar, and published half-yearly, and copies given thereof on application.
Penalty for using cancelled ticket, &c.

25. And be it enacted, that duplicates of all register tickets, and all papers and documents delivered or transmitted to and retained by the said registrar, shall be by him recorded, preserved, and kept; and every copy of such duplicate tickets, papers, and documents, or any of them, certified by the said registrar or his assistant to be a true copy, shall be admitted in evidence as fully as the original thereof; and every copy of a document and endorsement thereon, which may be delivered by any owner or master under the provisions of this act, shall and may be admitted in evidence against such owner and master, and each of them, as fully as the original of such document and endorsement.

Papers and documents delivered or transmitted to and retained by the said registrar, shall be by him recorded, preserved, and kept.
Certified copies to be evidence.

26. And be it enacted, that the master of every ship belonging to any subject of Her Majesty, and bound to parts beyond the seas, except in the cases hereinafter mentioned, shall, before he leaves his first port of departure from the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the collector and comptroller of customs at such port, a list, signed by himself, of the names of his crew

Masters of ships trading abroad to deliver lists of their crews on their departure and return.

Vessels not to be cleared inwards until list be rendered.

Masters of ships in the home and fishing trade to return lists half-yearly.

(including apprentices), with the numbers of their register tickets, and the capacity in which they are serving on board, in the form set forth in schedule (G) to this act annexed ; * and if any subsequent change in his crew take place before finally leaving the United Kingdom, the owner or master shall, upon such change taking place, apprise the collector and comptroller of the customs at the port where it occurs, by transmitting an amended list in the same form ; and the master or owner of every such ship shall, within forty-eight hours after the arrival of such ship at her final port of destination in the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the customs at such port, an account or list, signed by himself, of all the seamen and others (including apprentices) who shall have belonged to the ship at any time during her absence from the United Kingdom ; which account or list shall contain a full, true, and correct return, under their respective heads, of the several particulars expressed in the form set forth in the schedule annexed to this act, and marked (C), with christian names and surnames of the master and all the crew at full length, and with the dates of the registry of the indentures of the apprentices, and the assignments respectively, and the port at which and the time when they were respectively registered, and also the numbers of the register tickets, of every apprentice and seaman ; and no vessel shall be cleared inwards by the tide-surveyor or other officer until the master or owner shall produce a certificate from the collector or comptroller (which he is hereby required to give) to the effect that he has rendered such accounts or lists as aforesaid ; and the tide-waiters or other officers left on board shall be maintained at the expence of the master or owner until such accounts or lists shall be duly delivered as aforesaid.†

27. And be it enacted, that within twenty-one days after the thirtieth day of June and the thirty-first day in December in each year, the master or owner of every ship belonging to a subject of Her Majesty, of whatever tonnage, employed in fishing on the coasts of the United Kingdom or elsewhere, other than in the South Sea, Greenland, and Newfoundland fisheries, or in proceeding from one part of the United Kingdom to another, and every ship proceeding or making voyages to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to

* This provision is repealed and altered by sec. 47 of Mercantile Marine Act.

† See 14 & 15 Vict. c. 96, s. 7, 30: 14 & 15 Vict. c. 102, s. 32 ; 13 & 14 Vict. c. 93, s. 89.

any port on the continent of Europe, between the river Elbe inclusive and Brest, shall deliver or transmit, or cause to be delivered or transmitted, to the collector or comptroller of the customs of any port of the United Kingdom, an account, signed by such master or owner, of any voyage or voyages in which such ship shall have been engaged during the preceding half-year, ending on the respective days above-mentioned, and setting forth legibly and at full length the christian and surnames of the several persons (including the master and apprentices) who shall have belonged to the ship at any time during such periods respectively; which account shall be in the form and shall contain a true and correct return under their respective heads of the several particulars expressed in the schedule marked (D) to this act annexed, with the dates of the registry of the indentures of apprenticeship and assignments respectively, and the ports at which and the time when they were respectively registered, and the numbers of the register tickets of every seaman and apprentice; and no master or owner shall be entitled to or receive a transire or other customs document necessary to enable him to conduct the business of his ship, after the expiration of the said twenty-one days, until he shall produce and show a certificate from such collector or comptroller (which he is hereby required to give), to the effect that he has delivered such an account; and in the case of ships of all descriptions which may be unemployed for six months, or which may be employed and not require a transire or other customs document, the master or owner shall notify the same to such collector or comptroller within such twenty-one days, and in case of every default, the master or owner shall be liable to a penalty of ten pounds; and all collectors and comptrollers of customs of the ports to which the vessels belong shall transmit a list of all such ships, and of all ships of every description registered or licensed, or whose registries or licenses have been transferred or cancelled in their respective ports within each half-year ending as aforesaid, to the said registrar at the said office, on or before the first day of February and the first day of August in each year respectively.*

Vessels not to receive transire until lists be delivered.

Owners of vessels unemployed, or not requiring customs documents, to notify the same.

Penalty for default.

28. And be it enacted, that in case any ship belonging to any subject of Her Majesty shall be lost, sold, or transferred, an account, containing a similar return as required in the several and respective cases before mentioned, made out up to the period of such loss, sale, or transfer, shall, if practicable, be delivered or transmitted by the master or owner at the time of the loss, sale, or transfer, to the collector or comptroller of the port

return to be made in case of ship lost or sold abroad.

* See 13 & 14 Vict. c. 93, ss. 90, 91, 93; 14 & 15 Vict. c. 96, ss. 15, 23.

to which the ship belongs, with all convenient speed; and in case such loss, sale, or transfer shall take place out of the United Kingdom, within twelve calendar months at furthest after the loss, sale, or transfer of the ship.

Lists, &c. to be transmitted to the registrar.

29. And be it enacted, that all indentures, counterparts, assignments, lists, accounts, returns, papers, register tickets, and documents, by this act required to be delivered to the collectors or comptrollers as aforesaid shall be by them transmitted to the said registrar for the purposes of this act at the end of every week, unless otherwise specified in this act; and every owner or master who shall refuse or neglect to transmit, deliver, or cause to be delivered, any list, account, register ticket, or other document, as required by this act, shall for every such refusal or neglect, forfeit and pay the sum of ten pounds.*

Penalty on the owner or master for neglect.

Lists, &c. in the case of pleasure yachts to be transmitted to the registrar.

30. And be it enacted, that all agreements, or copies thereof, lists, returns, register tickets, and other documents, which under the provisions of this act are required to be transmitted or delivered to the collectors or comptrollers of customs of the several ports in the United Kingdom, shall, in the case of pleasure yachts, be transmitted or delivered by the masters or owners of such yachts direct to the registrar of seamen, and the owners or masters thereof shall be liable to the same penalties for default as herein provided in the cases of the masters or owners of other ships failing to transmit or deliver such documents to such collectors and comptrollers.*

As to the disposal of the effects of any seaman dying abroad.

31. And be it enacted, that whenever any seaman, being abroad, shall die elsewhere than on board a ship belonging to any subject of Her Majesty, leaving any money or effects not on board his ship, it shall be lawful for Her Majesty's consul or vice-consul at or nearest to the place, and he is hereby required to claim and take charge of all such money and effects, and to dispose of the said effects, if he shall so think fit, and after deducting all necessary and proper charges and expences incurred in the collecting thereof, or by or on account of such seaman, to remit the balance, with a full account of such money or effects, to the president and governors of the corporation—"For the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned in the merchant service," to be by such president and governors paid over and disposed of, in the same manner and under the same regulations as are provided by an act passed in the fifth year of his late Majesty King

* See 13 & 14 Vict. c. 93, s. 34.

William the Fourth, intituled—"An Act to amend an Act of 4 & 5 W. 4, the Twentieth Year of His Majesty King George the Second, c. 52. for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other purposes," with respect to the wages of seamen dying on board merchant ships; and in case any seaman dying abroad shall leave on board his ship any money, clothes, or other effects, or be entitled to any wages, the master of the said ship shall and he is hereby required to deposit the same, or the proceeds arising therefrom, with, and to pay such wages to, the president and governors aforesaid to be by them disposed of in the same manner as is provided by the said act with respect to the wages of seamen dying on board ship, and to transmit to the said president and governors at the same time a full account of such effects and wages; and on failure the master shall forfeit a sum not exceeding fifty pounds, in addition to being accountable for such money, clothes, effects, and wages; and in all cases of a seaman dying abroad, the master shall, on his ship's return to the United Kingdom, deliver up to the said president and governors the register ticket of such deceased seaman, and the said president and governors, on the receipt thereof, shall transmit the same to the registrar of seamen.

32. And be it enacted, that it shall be lawful for the overseers of the poor, or other persons having the authority of overseers of the poor, in and for any district, union, parish, township, or place in the United Kingdom, and they are hereby empowered to bind by indenture, according to the form set forth in schedule (H)* to this act annexed, and put out as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any ship registered or licensed in any part of the United Kingdom, any boy having attained the age of twelve years, and of sufficient health and strength, who or whose parent or parents is or are chargeable to or maintained by any such district, union, parish, township, or place, or who shall beg for alms therein, with his consent, but not otherwise; and until such boy shall attain the age of twenty-one years, or shall have served as apprentice seven years, or whichever shall first happen, such binding shall be effectual to all intents and purposes: provided always, that where any such parish, township, or place separately maintaining its own poor shall be included in any union, or shall be under the management of a board of guardians, no such binding shall be valid unless the guardians of such union, parish, or other place respectively shall previously

* This form is altered by Mercantile Marine Act.

have given their consent thereto, by causing their official seal to be affixed to the indenture, and the same to be signed by the presiding chairman of the board at any meeting, and the clerk or person acting as such at such meeting; and provided also, that every such binding shall be made in the presence of any such boy, and of two justices of the peace, who shall execute the indenture in testimony of their being satisfied that such boy hath consented so to be bound, and attained the age, and is of sufficient health and strength as required by this act; and the age of every such boy shall be truly inserted in his indenture, and the age of every such boy so inserted therein shall (in relation to the continuance of his service) be taken to be his true age, without any further proof thereof; and any certificate of baptism of such boy which may be required shall be given and attested by the officiating minister without fee or reward: provided always, that no apprenticeship to the sea service, whether parish or otherwise, shall be binding after the apprentice shall have attained the age of twenty-one years; and that every indenture, together with his register ticket annexed thereto, shall be given up to such apprentice on his attaining such age, or at the expiration of his apprenticeship, whichever shall first happen, by the person to whom he shall be bound at the time, under a penalty of twenty pounds, to be paid by such person on default; but should any apprenticeship, parish or otherwise, expire during a voyage, and before the ship's arrival at her final port of destination in the United Kingdom, such apprenticeship shall, notwithstanding, continue until the return of the ship to her final port of destination in the United Kingdom; but after one calendar month from the expiration of such apprenticeship, the apprentice shall be paid the same wages as an able-bodied seaman or ordinary seaman of the said ship, according to his qualifications.

No apprenticeship binding after apprentice shall have attained twenty-one.

Apprenticeships to continue until the return of the ship, and apprentice to be paid wages.

Parish apprentices may be turned over to the sea service.

33. And be it enacted, that it shall be lawful for any master or person to whom any parish apprentice shall have been or shall be hereafter bound to a service on shore, according to the statutes for the time being relating to such apprentices, or for the executors or administrators, or, there being none such, for the widow of any deceased master, with the concurrence of two or more justices of the peace in and for the county, district, or place where such boy shall have been bound apprentice, to assign such boy, with his consent, to be given in the presence of such justices, but not otherwise, as apprentice to any such owner as aforesaid, to be employed in the sea service during the period then remaining unexpired of his apprenticeship; and every such assignment shall be attested as next hereinafter mentioned.

34. And be it enacted, that in the event of the bankruptcy, insolvency, or death of the master of any such parish apprentice to the sea service, it shall be lawful for such master, or the executors or administrators of such master, or, there being none such, for the widow of such deceased master, to assign the indenture of any such apprentice for the residue of the term then unexpired therein to any other owner of any such ship : provided always, that such assignment, if executed within the limits of the port of London, shall be attested by the said registrar, his assistant, or one of his clerks, and if executed at any other port, by the collector or comptroller of the customs of such port.

35. And be it enacted, that such overseers, guardians, or other persons as aforesaid shall cause the indenture of apprenticeship to be prepared and transmitted in triplicate ; (that is to say,) two counterparts, besides the indenture, to the said registrar, if the owner of the ship to whom such apprentice is to be bound shall be or reside within the limits of the port of London, and if at any other port, to the collector or comptroller of the customs at such port ; and shall cause each such poor boy to be conducted and conveyed to such port or place by a constable or other trustworthy person at the expence of the district, union, parish, township, or place ; and when any such boy shall be so bound, he shall be provided by the guardians of the said union or parish as aforesaid, or, in case the said parish or place shall not be included in any union or governed by a board of guardians, by the overseers, with a sufficient outfit of sea clothing, bedding, and similar necessaries, to the value of five pounds, which said amount, together with the expences to be incurred in the binding and conveyance of the said boy, shall be charged by such guardians or overseers respectively to the account of the parish or other place by whose overseers the said boy shall be bound, and be allowed to them in their account ; and the said indentures so entered into by the overseers of any parish or other place as aforesaid may be sued upon in the name of the overseers of the poor of the said parish or other place for the time being, by their name of office ; and no action commenced for the breach of any covenant therein contained, with the consent of the vestry of such parish or place, shall abate by reason of death or any change of overseers of such parish or place pending the same, but shall be proceeded in by the overseers for the time being, who shall be entitled to charge the whole amount of the costs incurred in such action, and not recovered from the defendant therein, upon the poor rates collected by them, though part of such costs shall have been incurred by their predecessors.

Parish officers to prepare indentures.
Constable to convey the apprentice.
Guardians or overseers to provide clothing.

How indentures to be attested.

36. And be it enacted, that such indentures shall be executed in the presence of and attested by the constable or other person who shall conduct or convey such apprentice; and such indentures shall bear date respectively on the days on which they are executed; and such constable or other person shall transmit one of the said counterparts, duly executed, to the overseers, guardians, or other persons aforesaid, one to the master, and another to the said registrar.

Every ship, except pleasure yachts, to have apprentices according to her tonnage:

37. And be it enacted, that the master or owner of every ship belonging to any subject of Her Majesty, and of the burden of eighty tons and upwards (except pleasure yachts), shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the seas, one apprentice, or more, in the following proportion to the number of tons of his ship's admeasurement, according to the certificate of registry; * (that is to say,) for every ship of eighty tons and under two hundred tons, one apprentice at the least; for every ship of two hundred tons and under four hundred tons, two apprentices at the least; for every ship of four hundred tons and under five hundred tons, three apprentices at the least; for every ship of five hundred tons and under seven hundred tons, four apprentices at the least; and every ship of seven hundred tons and upwards, five apprentices at the least; all of whom, at the period of their being bound respectively, shall be subjects of Her Majesty, and above twelve and under seventeen years of age, and be duly bound for the term of four years at the least; and if any such master or owner shall neglect to have on board his ship the number of apprentices as hereby required, together with their respective registered indentures, assignments, and register tickets, he shall for every such offence forfeit and pay the sum of ten pounds in respect of each apprentice, indenture, assignment, or register ticket so wanting or deficient.

To be subjects of Her Majesty:
Their age and term of apprenticeship.
Penalty for deficiency of apprentices, &c.

The cancelling of indentures, and death or desertion of apprentices to be notified.

38. And be it enacted, that in case any indentures of apprenticeship of any description shall be cancelled, or any apprentice, parish or otherwise, shall die on shore or desert, or by reason of the vessel of the master not having made a voyage for six months, shall not be reported in either of the said lists, such cancellation, death, desertion, or non-employment shall forthwith be notified in writing by the master of the apprentice to the said registrar, if the ship on board which the apprentice was bound to serve shall belong to the port of London, or otherwise

* This provision, making it compulsory to maintain apprentices has been repealed by 12 & 13 Vict., cap. 29.

to the collector or comptroller of the port to which the said ship shall belong; and for every default the said master shall be liable to a penalty of ten pounds; and the collector or comptroller, if the notification be made to him, shall transmit the same to the said registrar within one week from the receipt thereof; and no cancelling of any indenture of apprenticeship of any description shall be valid or effectual without the mutual consent of the parties, or without the consent or in the absence of the registrar of seamen in London, or of the collector or comptroller of customs of the port in which such cancellation shall take place, or, in case of bindings by the overseers, without the additional consent of the guardians of the union or parish whose consent was given to the said binding, to be testified by a copy of a minute of the board forwarded by the clerk to the said guardians.

Penalty.

Consents necessary in cancelling indentures.

39. And be it enacted, that the said registrar in London, and the collector and comptroller of the customs at each other port, shall, in a book to be kept for that purpose, cause to be entered from time to time all such indentures and assignments of parish apprentices as aforesaid, specifying therein the dates thereof, the names and ages of the apprentices, the parishes or places from whence they are sent, the names and residences of their masters to whom they are bound or assigned, and the names, ports, and burden of the respective ships to which such masters belong, and shall make and subscribe on each indenture and assignment an endorsement, purporting that the same hath been duly registered pursuant to this act; and such registrar, collectors, and comptrollers respectively shall require the personal attendance of every such apprentice at the time of registering his indenture or assignment thereof; and every such collector and comptroller shall also, at the end of each week, transmit a list of the indenture and assignments and cancellations so registered by him within the week, containing all the particulars aforesaid, to the said registrar.

Indentures and assignments of parish apprentices to be registered.

Apprentices to appear personally when indentures or assignments registered.

40. And be it enacted, that in every case of a person (other than such parish apprentice as aforesaid) binding himself apprentice to the sea service, the indentures to be executed on such occasion shall be in duplicate, in the form set forth in schedule (I) * to this act annexed, and a counterpart shall be delivered to the said registrar, if the master shall be or reside within the port of London, or if at any other port, to the collector or comptroller of such port; and the indentures shall be registered in a book to be kept for that purpose by the said registrar, col-

Indentures and assignments of other apprentices to be registered.

* This form is altered by Mercantile Marine Act.

lectors, and comptrollers respectively, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residences of their masters, and (if known) the names, port, and burden of the several ships on board which they are respectively to serve; and such registrar, collectors, and comptrollers respectively shall require the personal appearance of every such apprentice at the time of registering his indenture or the assignment thereof, and shall endorse and subscribe upon each indenture a certificate purporting that the same hath been duly registered pursuant to this act; and the said collectors and comptrollers shall also at the end of each week transmit a list of the indentures and assignments registered by them within the week, containing all the particulars aforesaid, together with the said counterparts, to the said registrar, for the purposes of this act; and that it shall be lawful for the master of such apprentice, or in case of his death his executor or administrator, with the consent of the apprentice if of the age of seventeen years or upwards, and if under that age with the consent of his parent or guardian, to assign or transfer the indenture of any such apprentice to any other master or owner of any registered ship; and all such apprentices may during the term for which they shall be bound be employed in any ship of which the master for the time being of any such apprentice may be the master or owner: provided always, that every such assignment shall be registered and endorsed by the said registrar, or by the collector or comptroller of the customs at the port where such master shall be, or to which his ship shall belong; and the said collector or comptroller shall notify the same to the said registrar, and transmit an exact copy of the said endorsement to the said registrar.

As to assignments of indentures of apprentices.

Assignments to be registered.

Apprentices exempted from contributions. Documents exempted from duty.

41. And be it enacted, that no apprentice bound or assigned pursuant to this act, nor any master or owner in respect of such apprentice, shall be liable to any payment or contribution to or towards any hospital or institution; and that all agreements, attested copies, indentures, assignments, counterparts, and tickets, made, signed, or executed in compliance with or under the provisions of this act, shall be wholly exempt from stamp duty.

Penalty on masters neglecting to register, &c. indentures,

42. And be it enacted, that if any master or owner to whom any apprentice to the sea service shall be bound or assigned shall neglect to deliver a counterpart, and cause the indenture or assignment (as the case may be) to be registered as required by this act, so far as depends on such master or owner, within ten days after the binding or assignment, every such master or owner shall for every such neglect forfeit and pay the sum of

ten pounds; and if any such master, or the master of any ship, and of suffer- shall, after the ship shall have proceeded on the voyage upon ing appren- which such ship may be bound, permit any apprentice to quit tices to quit his service, or the service of the ship, except for the purpose of their service. entering into Her Majesty's naval service, every such master shall for every such offence forfeit and pay the sum of twenty pounds.

43. And be it enacted, that any justice of the peace residing Justices to at or near to any port to which any ship as aforesaid, having on determine board thereof any apprentice, shall at any time arrive, shall complaints. have full power and authority to inquire into and examine, hear and determine, all claims of apprentices upon their masters under their indentures, and all complaints of ill usage exercised by their respective masters towards any such apprentices, or of misbehaviour on the part of any such apprentices, and to proceed thereupon as one or more justice or justices of the peace is or are empowered by law to do in other cases between masters and apprentices;* and if the master of any ship shall not send on shore, in the charge of the mate or other trustworthy person, any apprentice desirous of complaining to a justice of the peace, so soon as the service of the ship will permit, he shall for every such default forfeit and pay the sum of ten pounds.

44. And whereas by an act passed in the ninth year of the Common reign of his late Majesty King George the Fourth, for consolid- assaults may dating and amending the statutes in England relative to offences besummarily against the person, a summary jurisdiction is provided for the punished by the punishment of persons guilty of common assaults and batteries: two justices. and whereas it is expedient that the provisions of the last-mentioned act should extend to similar offences committed on board ships belonging to subjects of Her Majesty: be it therefore enacted, that in the case of any assault or battery committed on board any ship belonging to any subject of Her Majesty, in any part of the world, it shall be lawful for any two justices of the peace in any part of Her Majesty's dominions, or in the territories under the government of the East India Company, residing at or near any port or place at which the said ship may arrive or touch, upon complaint of the party aggrieved, to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said act any two justices are empowered to do in the cases of assaults and batteries in England; and the fine or forfeiture to be imposed in any such case shall be payable to the Seamen's Hospital Society: provided always, that such complaint shall

* See page 32.

be made and prosecuted within three months after such alleged assault or battery, or within three months after the arrival of the ship at her final port of destination in the United Kingdom, or within three months after the respective parties shall be within the jurisdiction of such justices as aforesaid.

Masters
entitled to
receive the
wages, &c., of
apprentices
entering into
the navy.

45. And be it enacted, that no apprentice to the sea service shall be at liberty to enter into the naval service of Her Majesty, during the period of his apprenticeship, without the consent of his master ; but if, nevertheless, he shall voluntarily enter into such naval service of Her Majesty, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in Her Majesty's said service during the residue of the term of his apprenticeship, shall, upon the production of the indenture and assignment (if any), if duly registered, and having the register ticket attached, be entitled to receive to his own use any balance of wages and prize-money that may become due and payable to any such apprentice until the expiration of his apprenticeship.

No seaman to
be discharged
abroad, nor
to be aban-
doned, or left
behind, with-
out sanction
of consul, &c.

46. And whereas great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts, who have been thus reduced to distress, and thereby tempted to become pirates or otherwise misconduct themselves, and it is expedient to amend and enlarge the law in this behalf : be it therefore enacted, that if any master of a ship belonging to any subject of Her Majesty shall discharge any person belonging to his ship or crew at any of Her Majesty's colonies or plantations, without the previous sanction in writing (to be endorsed on the agreement) of the governor or other officer holding the chief authority there, or of the secretary or other officer duly appointed by the government there in that behalf, or in the absence of such functionaries then of the chief officer of customs resident at or near such port or place, or shall discharge any such person at any other place abroad without the like previous sanction, to be so endorsed on the agreement by Her Majesty's minister, consul, or vice-consul there, or in the absence of any such functionary then of two respectable merchants resident there, such master shall be guilty of a misdemeanor ; or if any master of any such ship shall abandon or leave behind at any such colony or plantation any person belonging to his ship or crew, on the plea or pretence of unfitness or inability to proceed upon the voyage, or of desertion or disappearance from the ship, without a previous certificate in writing (to be endorsed on the agreement) of the governor, secretary, or other officer as aforesaid, or in the

absence of such functionary then of the chief officer of customs resident at or near such port or place, certifying such unfitness, inability, desertion, or disappearance, or shall abandon or leave behind any person belonging to his ship or crew at any other place abroad, on shore or at sea, upon such plea or pretence, without the like previous certificate of Her Majesty's minister, consul, or vice-consul there, or in the absence of any such functionary then of two respectable merchants, if there be any such at or within a reasonable distance from the place where the ship shall then be, such master shall be guilty of a misdemeanor; or if any master of any such ship, in case any person belonging to his ship or crew shall desert from the said ship at any place abroad, shall neglect to notify the same in writing to one of such functionaries as aforesaid, if there be any such resident at or near the place, and in their absence, if it be out of Her Majesty's dominions, then to two respectable merchants, if there be such at or near the place, within twenty-four hours of such desertion, such master shall be guilty of a misdemeanor; and the said functionaries are hereby authorised and required, and the said merchants are authorised, to examine into the grounds of such proposed discharge, or into the plea or pretence of such unfitness, inability, desertion, or disappearance as aforesaid, in a summary way, upon oath (which oath they are hereby respectively authorised to administer), and to grant or refuse such sanction or certificate according to the circumstances, and as it shall appear to them to be just.

47. And be it enacted, that if the master of any ship belonging to any of Her Majesty's subjects, or the mate or other officer of such ship, shall wrongfully force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind, on shore or at sea, in or out of Her Majesty's dominions, any person belonging to his ship or crew, before the completion of the voyage for which such person was engaged or the return of the ship to the United Kingdom, such master, mate, or other officer shall be guilty of a misdemeanor; and every misdemeanor mentioned or created by this act shall and may be prosecuted by information at the suit of Her Majesty's attorney-general, or by indictment or other legal proceeding in any court having criminal jurisdiction in Her Majesty's dominions at home or abroad; and the offence may be laid and charged in the said information, indictment, or other legal proceeding to have been committed in the county or place where the offender shall happen to be, who, being convicted thereof, shall be liable to fine or imprisonment, or both, as to the court before whom he is tried shall seem meet; and every court is hereby authorised

Forcing sea-
men on shore,
&c., a mis-
demeanor.
Where mis-
demeanors
may be pro-
secuted.

to issue a commission or commissions for the examination of any witness or witnesses who may be absent or out of the jurisdiction of the court; and at the trial the depositions taken under such commission or commissions, if such witness or witnesses shall be then absent, shall be received in evidence.*

If any of the crew are left behind, the proof of sanction or authority to be upon the master.

48. And be it enacted, that if any master shall, contrary to the provisions of this act, discharge, abandon, or leave behind any seaman or other person belonging to the ship or crew, with or without his consent, it shall be incumbent on such master, in any information, indictment, or other proceeding against him, to produce or prove such sanction or respective certificate as aforesaid, or prove the impracticability of obtaining such certificate. ;

Seamen when allowed to be left behind, to be paid their wages

49. And be it enacted, that every such master who shall leave any seaman or other person as aforesaid on shore at any such colony, or plantation, or place abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said functionaries, or if there be none such to any two respectable merchants there, or if there be but one then to such one merchant, a just and true account of the wages due to such person, and pay the same either in money or by a bill drawn upon the owner; and if by bill, then such functionaries or merchants are respectively authorised and required, by endorsement on such bill, to certify that the same is drawn for money due on account of seamen's wages, or to that effect; and any master who shall refuse or neglect to deliver a just and true account of such wages, or to pay the amount thereof in money or by bill as aforesaid, shall for every such offence or default forfeit and pay the sum of ten pounds, and every master who shall deliver a false account of such wages shall for every such offence forfeit and pay the sum of twenty pounds.

Act not to extend to prevent seamen from entering into the navy.

50. Provided always, and be it enacted, that nothing in this act or in any agreement contained shall prevent any seaman or person belonging to any ship or vessel whatever from entering or being received into the naval service of Her Majesty, nor shall any such entry be deemed a desertion from the ship or vessel, nor shall such seaman or other person thereby incur any penalty or forfeiture whatever, either of wages, clothes, or effects, or other matter or thing; and no master or owner shall insert or introduce, or permit to be inserted or introduced, into any articles or agreement, any clause, engagement, or stipulation whereby any seaman or other person shall or may incur any

* See 13 & 14 Vict. c. 93, ss. 108, 109.

forfeiture, or be exposed to loss, in case he shall enter into Her Majesty's naval service; and if inserted, the clause, engagement, or stipulation shall be void, and the offender shall thereby incur a penalty of twenty pounds.

51. And be it enacted, that when any seaman shall quit any such ship or vessel as aforesaid, in order to enter into Her Majesty's naval service, and shall thereupon be actually received into such service, not having previously committed any act amounting to and treated by the master as desertion, he shall be entitled immediately upon such entry to have his register ticket and all his clothes and effects on board such ship or vessel delivered to him, and to receive from the master the proportionate amount of his wages up to the period of such entry, to be paid either in money or by a bill on the owner; all which register ticket, clothes, effects, money, or bill, such master is hereby required to deliver and pay to him accordingly, under a penalty of twenty pounds for any refusal or neglect, to be recovered with full costs of suit by such seaman; but in case the master shall have no means of ascertaining the balance, he shall make out and deliver to such seaman a certificate of the period of his service, and the rate of wages he is entitled to, producing at the same time to the commanding or other officer of Her Majesty's vessel the agreement with the seaman; and every such master, upon the delivery of such register ticket, clothes, and effects, and the settlement of such wages in manner hereinmentioned, shall receive from the officer in command of the vessel into which the seaman shall have entered a certificate of such entry, endorsed on the agreement, and signed by the said officer, which such officer is hereby required to give.

Upon entry of seamen into the navy from any ships, they shall be entitled to the immediate delivery up of their clothes, register tickets, and payment of any wages that may be due.

52. And be it enacted, that if any person shall be discharged, or wilfully and wrongfully left behind or abandoned, at any place beyond seas, in or out of Her Majesty's dominions, by any master, mate, or other officer, contrary to the provisions of this act, and shall become distressed, and be relieved under the provisions of an act passed in the eleventh year of the reign of his late Majesty King George the Fourth, for amending and consolidating the laws relating to the pay of the royal navy, or any act hereafter to be passed for that purpose, or if any person shall, as principal or agent, engage any subject of Her Majesty to serve in any vessel belonging to any foreign power, or to the subject of any foreign state, and such last-mentioned person shall become distressed and be relieved as aforesaid, then, in addition to the wages due from such master or owner or person making such engagement, and the penalties to which such

Power for her Majesty to sue for the amount advanced for the relief of seaman left abroad.

master may be liable, Her Majesty shall be entitled to sue such master or the owner of the ship, or any person who shall have made such engagement as aforesaid, at the discretion of the commissioners for executing the office of Lord High Admiral of the United Kingdom, for all the charges and expences which shall have been incurred in or for the subsistence, necessary clothing, and conveyance home or burial (should he die abroad or before reaching home), of any such seaman or person relieved as aforesaid, as money paid to the use of such master or owner or other person, who shall have made such engagement as aforesaid, and recover the same, together with full costs of the suit, in the same manner as other debts due to Her Majesty are recoverable; and in any proceeding for that purpose proof of the account furnished to the said commissioners by any such functionaries, or by such two merchants, or one merchant, according to the case, as provided by the said act of the eleventh year of King George the Fourth, shall, together with the proof of payment by the said commissioners, or by the paymaster-general, of the charges incurred on account of any such person, be sufficient evidence that such person was relieved and conveyed home or buried at Her Majesty's expence; and the court in which any proceeding for the recovery of the said money shall be instituted is hereby authorised to issue a commission or commissions for the examination of witnesses, and the depositions taken under such commission or commissions shall be used as evidence.

Ship's agreement, indentures, and assignments of apprenticeship and register tickets, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs.

53. And be it enacted, that if any ship belonging to a subject of Her Majesty (except packets for passengers in the course of their voyage) shall arrive at any foreign port where there shall be a British consul or vice-consul, or at any port in a British colony, and remain thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver or cause to be delivered to such consul or vice-consul at such foreign port, or to the collector or comptroller of the customs at such port of a British colony, the agreement or agreements before mentioned, together with an account at the foot of such agreement of all apprentices on board, setting forth their christian and surnames at full length, the dates of the registry of their indentures and assignments respectively, and the ports at which and the time when they were registered, and also all indentures and assignments of apprenticeships, and the register tickets of all the crew who shall be subjects of Her Majesty, the whole to be kept by such consul or vice-consul, collector or comptroller, as the case may be, during the ship's stay in such port, and (excepting the register tickets of deserters,

which are to be transmitted by such functionaries to the registrar of seamen), to be returned to the master a reasonable time before his departure, with a certificate endorsed on such agreements respectively, stating when the same were respectively delivered and returned, without any fee or charge being made for the same: and in case it shall appear that the required number of apprentices are not on board, or that the required forms or existing laws have been in any respect neglected or transgressed, such consul or vice-consul, collector or comptroller, shall make an endorsement to that effect on such agreement, and forthwith, transmit a copy of such endorsement, with the fullest information he can collect regarding such neglect or transgression, to the said registrar; and if any master shall neglect to deliver any agreement, indenture, assignment, or register ticket, or such account as aforesaid, he shall for every such neglect or default forfeit and pay the sum of twenty pounds; or if any master shall deliver any false or incorrect account, he shall for every such offence forfeit and pay the sum of thirty pounds.

Consuls to make endorsements on agreements.

Penalty on neglect, &c.

54. And be it enacted, that no seaman shall be shipped at any foreign port by any such master, except with the sanction of such consul or vice-consul, to be endorsed or certified on the agreement, under a penalty of twenty pounds, to be forfeited by the master for every seaman so shipped.

No seaman to be shipped at a foreign port without the sanction of the consul.

55. And be it enacted, that the master of every ship belonging to any subject of Her Majesty shall and he is hereby required to produce and show his log book, muster roll of the ship, and the agreement or agreements with his crew, their register tickets, and the indentures of his apprentices, and the assignments thereof, and a list of all the passengers and persons on board, to the captain, commander, or other commissioned officer of any of Her Majesty's ships or vessels requiring the production and sight thereof; and that it shall be lawful for any officer in Her Majesty's naval service to muster the crew (including apprentices) of any ship belonging to any such subject, in order to be satisfied that the provisions of this act, and every other act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been duly kept and complied with; and if any master shall, upon being required so to do, by any such officer, neglect or refuse to produce such log book, muster roll, or agreement, register tickets, indentures, and assignments, and lists of passengers and persons, or any of them, or shall obstruct any officer in the execution of his duty in mustering the said crew, or shall pro-

Masters to produce agreement, &c., to the officers of Queen's ships.

Penalty.

duce any false log book, muster roll, or list, he shall for every such offence forfeit and pay the sum of twenty pounds.

Consuls, registrar, and officers of customs empowered to require production of the agreement, muster roll, &c.

56. And be it enacted, that for the better carrying into effect the purposes of this act it shall be lawful for Her Majesty's consuls and vice-consuls in foreign ports, and for the said registrar and his assistant, and also for the respective chief officers of the customs at the several ports of the United Kingdom and of the British possessions abroad, to demand from the master of every ship belonging to a subject of Her Majesty the production of the log book, muster roll of the ship, and such agreements, register tickets, indentures, and assignments as aforesaid, and a list of passengers and persons on board, and to muster the crew (including apprentices) of such ship, and to summon the master to appear before them, and give any explanation they may respectively require regarding the said crew, ship, or documents, for the purpose of ascertaining whether the provisions of this act, and every other act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been kept and complied with, and to take copies of all or any such documents; and if any master, on such demand being made, shall refuse to produce such log book, muster roll, agreements, register tickets, indentures, and assignments, and lists of passengers and persons, or refuse to allow copies to be taken, or shall refuse to permit his crew to be so mustered, or shall refuse to appear and give such explanation as aforesaid, or shall wilfully deceive or mislead the person before whom he shall so appear, he shall for every such neglect, refusal, or offence forfeit and pay the sum of twenty pounds.*

Penalty on master refusing to produce.

Survey of provisions, &c.

If provisions are found insufficient, &c.

57. And be it enacted, that it shall and may be lawful for any consul or vice-consul of Her Majesty, and for any collector or comptroller of the customs, upon complaint made by any three or more of the crew, to survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines put or supplied on board any ship for the use and consumption of the crew; and if on such survey and examination it shall be found that such provisions, water, or medicines are of a bad quality, or unfit for use, or not appropriate, or there shall not appear to be a sufficient quantity hereof, the surveying officer shall signify the same in writing to the master of the ship; and if such master shall not thereupon provide other fit and proper provisions, water, or medicines in lieu of any which may be signified by the said surveying officer to be of a bad quality, or unfit for use, or not appropriate, or if any such

* See 13 & 14 Vic. c. 93; s. 103.

master shall not thereupon procure the requisite quantity of provisions, water, and medicines which shall have been signified by the surveying officer to be of a bad quality or unfit for use, or not appropriate, he shall in each and every of such cases be guilty of a misdemeanor.*

58. And be it enacted, that all offences against the property As to offences or person of any subject of Her Majesty, or of any foreigner, committed at which shall be committed in or at any port or place, either foreign ports. ashore or afloat, out of the dominions of Her Majesty, by the master and crew (including apprentices), or any or either of them, belonging to any ship subject to the provisions of this act, or who within three months before the committal of the offence shall have been master thereof, or shall have formed part of any such crew, shall be and they are hereby declared to be offences of the same nature respectively, and to be liable to the same punishments respectively, as if they had been committed on the high seas and other places within the jurisdiction of the Admiralty of England, and shall be inquired of, heard, tried, and determined and adjudged in the same manner as if such offences had been committed within such jurisdiction; and when any trial for such offences, or for any misdemeanor against the provisions of this act, shall take place before any justices or judges of oyer and terminer and gaol delivery, it shall be lawful for the court to order and direct the payment of the costs and expences of the prosecution, as in the case of costs and expences of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

59. And be it enacted, that whenever any complaint shall be For the safe made to any of Her Majesty's consuls or vice-consuls of any custody and such offence or of any offence having been committed at sea conveyance by the master and crew (including apprentices), or any or either of offenders of them, belonging to any ship subject to any of the provisions to England. of this act, it shall be lawful for any such consul or vice-consul to inquire into the case, upon oath, and at his discretion to cause any offender to be placed under all necessary restraint, so far as it may be in his power, so that he may be sent and conveyed in safe custody to England as soon as practicable, in any vessel of Her Majesty, or of any of her subjects, to be there proceeded against according to law; and the costs and charges of imprisoning any such offender, and of conveying him and the witnesses to England, if not conveyed in the ship to which they respectively belong, shall be considered and deemed as part of the costs of the prosecution, or be paid as costs in-

* See 13 & 14 Vic. c. 93, s. 81.

curred on account of seafaring subjects of the United Kingdom left in distress in foreign parts ; and all depositions taken before any consul or vice-consul abroad, and certified under his official seal to be the depositions, and that they were taken in the presence of the party accused, shall be admitted in evidence in all courts having criminal jurisdiction, and otherwise, in like manner as depositions taken before any justice of the peace in England now are or may be ; and the register ticket of every offender shall be delivered up to Her Majesty's consul or vice-consul, as the case may be, and be transmitted by him to the registrar of seamen.*

As to the conveyance of offenders and witnesses to England.

60. And be it enacted, that it shall be lawful for any consul or vice-consul to order a passage to England for any such offender or offenders under necessary restraint, and also for the witnesses ; and the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty bound for England shall and he is hereby required to receive and afford a passage and subsistence during the voyage to any such offender or offenders and witnesses, not exceeding the rate of one offender or two witnesses for every one hundred tons of his ship's burden, and on his ship's arrival in England the master of any vessel belonging to a subject of Her Majesty shall take or cause to be taken the offender or offenders before a justice of the peace, who shall deal with the matter as in cases of offences committed on the high seas ; and in case the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty, when required by the consul or vice-consul to receive and afford a passage to any offender or witness, shall not receive and afford such passage, or shall not take or cause to be taken the offender or offenders before a justice of the peace as aforesaid, every such master shall be liable to a penalty of fifty pounds ; and the seaman, if acquitted, shall receive his register ticket again upon due application to the registrar of seamen.

As to ships belonging to British colonies.

61. And be it enacted, that this act shall not extend or apply to any ship registered in or belonging to any British colony having a legislative assembly, or to the crew of any such ship, while such ship shall be within the precincts of such colony ; but every ship belonging to any colony or possession of Her Majesty, when proceeding from one part of the United Kingdom to another, or from the United Kingdom to the islands of Jersey, Guernsey, Alderney, Sark, or Man, or from any port in the United Kingdom to any port or possession of

* See 13 & 14 Vic. c. 93, s. 115.

any foreign power or country, or to any colony to which the ship shall not belong, shall be held to come within the provisions of this act; and this act is hereby extended to the same; and the owner, master, and crew, including apprentices, of such ship so trading as aforesaid, shall be and are hereby declared liable to the provisions of this act as fully as the owner, master, and crew of any British registered ship; and this act and the provisions thereof (except so far as the same relate to agreements, register tickets, and having apprentices), shall also extend and apply to ships belonging to all of Her Majesty's colonies and possessions abroad, wherever otherwise proceeding or trading, and to the owners, masters, and crews of such ships, when any such ships shall be beyond the precincts of the colony or possession to which she shall belong; and all certificates and sanctions required by this act to be endorsed on agreements shall, in the case of ships last referred to, be otherwise given in writing where no written agreement exists.

62. And be it enacted, that all penalties and forfeitures imposed by this act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs, either in any of Her Majesty's Courts of Record at Westminster, Edinburgh, or Dublin, or in the colonies or territories under the government of the East India Company, at the suit of Her Majesty's law officers respectively, or at the suit of any person, by information and summary proceeding before any justice or justices of the peace in and for any part of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where the offence shall be committed or the offender shall be; and if proceedings for the recovery of any forfeiture or penalty imposed by this act, or for the recovery of any debt due to Her Majesty, be commenced in any of Her Majesty's courts, the court in which such proceedings shall be instituted is hereby authorised to issue a commission or commissions in or out of her Majesty's dominions for the examination of witnesses, and the depositions taken thereunder shall be used and admitted in evidence; and in case of a summary conviction under this act, and the sum imposed as a penalty by the justice or justices shall not be paid, either immediately after the conviction or within such period as the justice or justices shall at the time of the conviction appoint, it shall be lawful for the convicting justice or justices to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice or justices, for any term not exceeding six calendar months, the commitment

Application
of forfeitures.

to be determinable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following; (that is to say), so much thereof as the court or the convicting justice or justices shall determine, but not exceeding one moiety, shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue shall be paid to the Seamen's Hospital Society: provided always, that it shall be lawful for the court, before which, or the justice or justices before whom any proceedings shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court or justices respectively shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount; and it shall be lawful, in the discretion of the said court, or of the said justice or justices hearing the complaint, to order such costs against the informing or complaining party failing to prove the charge as the said court or justice or justices may deem fit, and such costs shall be recoverable in the same manner as penalties under this act, and be paid as such court or justice or justices shall direct: provided also, that all proceedings so to be instituted shall be commenced within two years next after the commission of the offence, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two calendar months after the return of the offender and the complaining party to the United Kingdom.*

Definition of
the terms
"master,"
"seaman,"
"ship," and
"owner."

63. And to avoid doubts in the construction of this act, be it enacted that every person having the charge or command of any ship belonging to any subject of Her Majesty shall, within the meaning and for the purposes of this act, be deemed and taken to be the master of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a seaman, within the meaning and for the purposes of this act; and that the term "ship" shall be taken and understood to comprehend every description of vessel navigating on any sea or channel, or waters outside the mouths of rivers, and also every vessel passing beyond the precincts of a port; and that the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong.

As to relief

64. And be it enacted, that if any person, being a Malay,

* See 13 & 14 Vic. c. 93, ss. 107, 108, 109, 110, 111, 114.

Lascar, or native of the territories under the government of the East India Company, or if any Asiatic or African seaman, having been brought to the United Kingdom on board any ship, shall be found or be in the United Kingdom in distress for want of food, clothing, or other necessaries, it shall and may be lawful for the commissioners for executing the office of Lord High Admiral of the United Kingdom, at their discretion, to supply necessary and reasonable relief to every such person and seaman, and to maintain him until he shall be sent on board some ship for the purpose of being conveyed to or near to the port from which he was shipped, and also to pay, defray, and advance the money necessary to procure every such person and seaman a proper and sufficient passage to such port; and all such sum or sums of money as shall be paid and advanced by or by order of the said commissioners for or on account of such relief, maintenance, and passage, shall be and become a debt due to Her Majesty, and be recoverable as such, with full costs of suit, in the courts of law either in Her Majesty's dominions or in the territories under the government of the East India Company, from the owner and master, or either of them, of the ship on board whereof such person or seaman shall have been brought from Asia or Africa; but nothing herein contained shall repeal or annul any other act or acts now in force for the relief and conveyance home of any Asiatic or African person or seaman.

to persons from Asia and Africa becoming distressed in the United Kingdom.

65. And be it enacted, that this act may be amended or repealed by any act to be passed during the present session of Parliament. Act may be amended this session.

SCHEDULE (F.)

1. What is your christian and surname ?
2. Have you or have you not been registered before ?
3. Where were you born, and when ?
4. When did you first go to sea ?
5. In what capacity did you go, and in what capacity have you since served ?
6. Have you or have you not served in the royal navy ?
7. If you have, how long ? and in what ships ? and in what capacity ?
8. Have you or have you not been in foreign service ?
9. If you have, how long ? and in what capacity ? and under what flag ?
10. How have you been generally employed at sea ?
11. Where is your usual place of residence when unemployed ?

SEAMEN'S PROTECTION ACT.

AN ACT

FOR THE PROTECTION OF SEAMEN ENTERING ON BOARD MERCHANT SHIPS.

8 & 9 VICTORIA, CAP. 116.

1. WHEREAS the seamen of this kingdom have been for several years past subjected to grievous impositions and great injustice by certain persons who undertake to procure seamen to enter on board merchant ships who have no interest in the said ships : And whereas it is required that further protection should be afforded to seamen against the arts of such persons : Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of *September* next the Lords of the Committee of Her Majesty's Privy Council appointed for trade and foreign plantations shall be and they are hereby empowered to license such persons as they may deem to be requisite and fit, and who may be desirous to take out such licenses, to hire, engage, supply, or provide seamen to be entered on board merchant ships ; and every such license shall be granted for such period, upon such terms, and upon such security being given, and shall be revocable upon such conditions, as the Lords of the said Committee may at any time or times appoint.

The Board of Trade may license persons to procure seamen for merchant ships.

2. And be it enacted, that every such license shall be granted, and every revocation thereof shall be made by minute or resolution of the Lords of the said Committee, and a copy of any such minute or resolution, certified and signed by one of the Secretaries or Assistant Secretaries of the said Committee, shall

Manner of granting and revoking license.

be received as evidence of such license or revocation, without further proof thereof.

3. And be it enacted, that no person not licensed as aforesaid, or not being the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband,* shall hire, engage, supply, or provide a seaman to be entered on board any merchant ship; and no person, whether licensed or not, other than the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, shall demand or obtain the register ticket of any seaman for the purpose or under the pretence of engaging him on board of any merchant ship.

No person not duly licensed or interested in the ship to be concerned in procuring seamen to be entered.

4. And be it enacted, that no owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall knowingly receive or accept to be entered on board the said ship any seaman who has been hired, engaged, supplied, or provided to be entered on board thereof contrary to the provisions of this act.

No person interested in the ship shall knowingly receive seamen hired contrary hereto.

5. And be it enacted, that every person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied, or provided to be entered on board, and for every register ticket demanded or obtained contrary to the provisions of this act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this act, any sum of money not exceeding twenty pounds upon conviction thereof for each offence, although several seamen may be included in the same contract, or several tickets may be obtained or several seamen may be received or permitted to remain at the same time.

Penalty on every person guilty of any of the offences above described.

6. And be it enacted, that it shall be unlawful for any person to employ any unlicensed person or persons for the purpose of engaging or providing seamen to be entered on board merchant ships; and that any licensed person knowingly employing any unlicensed person for the purposes aforesaid shall forfeit and pay a sum not exceeding twenty pounds, and, in addition thereto, shall forfeit and lose his license.

Unlicensed persons not to be employed for the purpose of engaging seamen.

7. And be it enacted, that the owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall not pay or advance, nor give any note in writing or otherwise

No advance note or wages to be given

* The word "Mate" is to be substituted for Ship's Husband, and the word Seaman shall include any person or persons about to serve as seamen.—Section 3, Mercantile Marine Act.

or paid to any seaman until after the ship's articles have been duly signed.

in the nature of and purporting to be an advance note for any part of the wages of any seaman hired, engaged, supplied, or provided to be entered on board the said ship, until six hours after the ship's articles have been duly signed by the said seaman on board the said ship, and by the master or owner of the said ship, and then only to the said seaman himself, unless such wages or advance of wages be paid in money, in which case the payment thereof may be made to the said seaman himself at any period most convenient after the signing of the said ship's articles as aforesaid; and all payments of wages contrary to the provisions of this act shall be and are hereby declared to be null and void, and the amount thereof shall be recoverable by the said seaman as if they had not been paid or advanced.*

Penalty for receiving remuneration for hiring seamen from any other than the owner, master, &c.

8. And be it enacted, that if any person shall demand or receive from any seaman, or from any person other than the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, requiring seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such seaman, he shall forfeit for every such offence a sum not exceeding five pounds.

Persons not to be admitted on board merchant vessels before their arrival in dock or at the place of discharge without permission.

9. And be it enacted, that it shall not be lawful for any person (other than any officer or person in Her Majesty's service or employment) to go and be on board any merchant vessel arriving or about to arrive at the place of her destination before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of the said vessel; and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding twenty pounds; and for the better securing the person of such offender the master or person in charge of the said vessel is hereby authorised and empowered to take any person so offending as aforesaid into custody, and to deliver him up forthwith to any constable or peace officer, to be by him taken before a justice or justices, to be dealt with according to the provisions of this act.

* These regulations respecting the advance note, and execution of the agreement, are superseded by Sections 46 and following, and Section 58 and following of Mercantile Marine Act.

10. And be it enacted, that if any person shall, on board any merchant ship, within twenty-four hours of her arrival at any port as aforesaid, solicit any seaman to become a lodger at the house of any person not so licensed as aforesaid, and letting lodgings for hire, or shall take from and out of such ship any chest, bedding, or other effects of any seaman, except under the personal direction of such seaman, and without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence the sum of five pounds.

Penalty for soliciting sailors to become lodgers in houses of unlicensed persons, or removing sailors' effects from on board.

11. And be it enacted, that if any person shall demand and receive of and from any seaman payment in respect of his board or lodging in the house of such person for a longer period than such seaman shall have actually resided and boarded therein, or shall receive or take into his possession or under his control any monies, documents, or effects of any seaman, and shall not return the same or pay the value thereof when required so to do by such seaman, after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such seaman, he shall forfeit and pay a sum not exceeding ten pounds, over and above the amount or value of such monies, documents, or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such seaman under the conviction by the justices before whom such offence shall be heard and determined.

Penalty for receiving remuneration for board of sailors for longer period than is due, or for neglecting to return monies or effects belonging to seamen.

12. And be it enacted, that all penalties and forfeitures imposed by this act shall and may be recovered, with costs, by summary proceedings before any two justices of the peace residing in or near to the place where the offence shall be committed or where the offender shall be; and if the sum imposed as a penalty or adjudged to be paid as aforesaid by any such justices shall not be paid, either immediately after the conviction or within such reasonable time as such justices shall at the time of the conviction appoint, it shall be lawful for the justices to commit the offender or offenders to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs; and all such penalties and forfeitures shall be paid and applied in manner following; (that is to say), one moiety of such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to the Seaman's

Recovery and application of penalties.

Form of conviction.

‘ Be it remembered, that on the _____ day of _____
in the year of our Lord _____
‘ at _____ in the county of _____ [or
riding, division, liberty, city, &c., as *‘the case may be’*],
‘ A. O. is convicted before us [naming the justices], two of
‘ Her Majesty’s justices of the peace for the said county [or
riding, &c.] for that he the said A. O. did [specify the
‘ offence, and the time and place when and where the same
‘ was committed, as the case may be]; and we the said jus-
‘ tices adjudge the said A. O. for his said offence to forfeit and
‘ pay the sum of [here state the amount of the fine imposed,
‘ and, when necessary, add the words “ over and above the
‘ sum of £ _____, which we the said justices do hereby ad-
‘ judge to be forthwith paid to the said E. F. [the seaman],
‘ the same being the value of monies, documents or effects of
‘ the said E. F. received by or taken into the possession or
‘ under the control of the said A. O.”]; and we the said
‘ justices do also adjudge the said A. O. to pay the sum of _____
for costs, and in default of immediate payment of
‘ the said sums of _____ to be imprisoned in the _____
for the space of _____ unless the said sums shall be
‘ sooner paid [or, and we order that the said sums of _____
‘ shall be paid by the said A. O. on or before the _____ day
‘ of _____]; and we direct that the sum of _____
‘ part of the said penalty, together with the said sum of _____
‘ for costs, shall be paid to C. D. [the party informing],
‘ and the residue of the said penalty shall be paid to the
‘ Seaman’s Hospital Society. Given under our hands, the day
‘ and year first above mentioned.’

* See 13 & 14 Vic. c. 93, s. 107.

14. And be it enacted, that no such conviction shall be quashed for want of form, or be removed by certiorari or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. No certiorari, &c.

15. And be it enacted, that the words "merchant ships" inserted in this act shall be understood to include every description of sea-going, trading, or passage vessel lying and being within the United Kingdom of *Great Britain and Ireland*. Explanatory clause.

16. And be it enacted, that this act shall come into operation at the following times; (that is to say), on the first day of *September*, so far as respects the power of licensing hereinbefore given to the Lords of the said Committee of Privy Council, and on the first day of *November*, so far as respects all other enactments of this act. Commencement of Act.

17. And be it enacted, that this act may be amended or repealed by any act to be passed during the present session of Parliament. Alteration of Act.

MERCANTILE MARINE ACT.

AN ACT

FOR IMPROVING THE CONDITION OF MASTERS, MATES,
AND SEAMEN, AND MAINTAINING DISCIPLINE IN
THE MERCHANT SERVICE.

13 & 14 VICTORIA, CAP. 93.

WHEREAS it is expedient to make provision for improving the condition of Masters, Mates, and Seamen, and for maintaining discipline, in the British merchant service: be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

1. That this act may be cited as "The Mercantile Marine Act, 1850."

2. And be it enacted, that in the construction of this act the following words and expressions shall have the meanings hereby assigned to them, if not inconsistent with the context or subject matter; (that is to say),

Number and
gender:

"Her Majesty:"

"Her Majesty's dominions:"

Words of one number or gender shall import all numbers and genders:

The expression "Her Majesty" shall include Her Majesty, her heirs and successors:

The expression "Her Majesty's dominions" shall include Her Majesty's dominions strictly so called, and all territories under the government of the East India Company, and all other territories (if any) governed by virtue of any charter or license from the Crown or Parliament of Great Britain:

The expression "United Kingdom" shall include Great Britain and Ireland : "United Kingdom:"

The expression "Board of Trade" shall mean the Committee of her Majesty's Privy Council appointed for the consideration of matters relating to trade and foreign plantations : "Board of Trade:"

The word "consular officer" shall include consul-general, consul, and vice-consul : "Consular officer:"

The word "ship" shall include every description of sea-going vessel : "Ship:"

The expression "Home-trade ship" shall include every "Home-trade ship" to which this act applies employed in trading or going within the following limits; (that is to say), the coasts of the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the river Elbe and Brest inclusive :

The expression "Foreign-going ship" shall include every "Foreign-going ship" to which this act applies employed in trading or going beyond the limits aforesaid :

The word "seaman" shall include every person (except masters and apprentices duly indentured and registered) employed or engaged to serve in any capacity on board any "ship:"

The expression "General Merchant Seamen's Act" shall mean an act passed in the session holden in the seventh and eighth years of the reign of Her Majesty Queen Victoria, intituled "An Act to amend and consolidate the laws relating to Merchant Seamen, and for keeping a register of Seamen :"

7 & 8 Vict.
c. 112.

The expression "Seamen's Protection Act" shall mean an act passed in the session holden in the eighth and ninth years of the reign of Her Majesty Queen Victoria, intituled "An Act for the Protection of Seamen entering on board Merchant Ships."

"Seamen's
Protection
Act :"
8 & 9 Vict.
c. 116.

3. And be it declared and enacted, that the words "seaman" and "seamen" in the said "Seamen's Protection Act" are meant to include any person or persons about to serve as seamen, notwithstanding that they have not previously been at sea, and are also meant to include apprentices in the sea service and persons about to become such apprentices; and that the said "Seamen's Protection Act" shall, after the thirty-first day of December One thousand eight hundred and fifty, be read and construed as if the expression "the ship's husband" were replaced by the expression "a mate of the ship," and the expression "ship's husband" were replaced by the expression "mate of the ship."

Explanation
and altera-
tion of terms
in 8 & 9 Vict.
c. 116.

4. And be it enacted, that the several parts of this act which relate to any ships, or to the owners, masters, mates, seamen, or apprentices of any ships, shall, so far as the context and subject matter admit, have the following applications; (that is to say),

As to parts which affect or repeal former acts;

As to remainder;

So much of this act as repeals, alters, or explains any existing enactment shall apply to the same ships and to the same matters and persons to which such enactment applies:

The remainder of this act shall, so far as the context and subject admit, apply to all ships registered or licensed in the United Kingdom, (except such as are exclusively employed in fishing on the coasts of the United Kingdom, and such as belong to the corporation of the Trinity House of Deptford Strond, the commissioners of northern lighthouses, or the corporation for preserving and improving the harbour of Dublin, and also except pleasure yachts,) and also to all ships registered or licensed in any other part of Her Majesty's dominions, and employed in trading or going between any place in the United Kingdom and any place or places not situate in the territory or colony in which such ship is registered, and to the owners, masters, mates, and crews of such ships respectively.

5. And be it enacted, that the several parts of this act shall come into operation at the several times following; (that is to say),

As to boards, &c., shipping and register offices, and examinations;

As to production of certificates, &c.

So much of this act as relates to the appointment of new officers of the Board of Trade, and to the powers hereby given to that Board, and to the constitution and powers of Local Marine Boards, and to the register office for seamen, and to the establishment of shipping offices, and of examinations for masters and mates, shall come into operation immediately on the passing hereof:

So much of this act as relates to the compulsory production of certificates of masters and mates, agreements with seamen, advances and allotments of wages, health on board ship, desertion, discipline, log books, payment of wages, and discharge of seamen, shall, with respect to such ships as are in the United Kingdom on the first day of January One thousand eight hundred and fifty-one, and to the owners, masters, mates, and crews thereof, come into operation on that day; and with respect to such ships as are not within the United Kingdom on that day, and to the owners, masters, mates, and crews

thereof, as soon after the first subsequent arrival of such ship in the United Kingdom as preparations are commenced for a further voyage or departure from any place therein :

And the remainder of this act shall come into operation on the first day of January One thousand eight hundred and fifty-one. As to remainder.

6. And be it enacted, that the Board of Trade shall undertake the general superintendence of matters relating to the British Mercantile Marine, and shall be authorised to carry this act into execution, and to enforce by legal proceedings or by such other lawful means as may seem to it expedient, the provisions of this act and of all other acts and laws relating to the British Merchant service, and may also open an account or accounts with the Bank of England in the manner and for the purposes hereinafter mentioned. New duties and powers generally.

7. And be it enacted, that at such seaports of the United Kingdom as have in ships ordinarily employed as Foreign-going ships a registered tonnage of thirty thousand tons or upwards, and at such other places as the Board of Trade may appoint for the purpose, local marine Boards shall be established for carrying into effect the provisions of this act, under the superintendence of the Board of Trade ; and each of such local marine boards shall be constituted as follows ; that is to say, the mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade may appoint, shall be a member or members *ex officio*, the Board of Trade shall appoint four members from residents in the place or within seven miles thereof, and the owners of such Foreign-going shipping as aforesaid registered at the port shall elect six members, to be qualified as hereinafter mentioned ; and such appointments and elections shall, in the first instance, take place on the twenty-fifth day of October, One thousand eight hundred and fifty, and shall afterwards take place on the twenty-fifth day of October in every third succeeding year, except in the case of occasional vacancies by death, resignation, disqualification, or otherwise, which shall be filled up within one calendar month after they occur ; and every person elected on an occasional vacancy shall continue a member until the next ordinary triennial election ; and the mayor or provost shall fix the place and mode of conducting such elections, and also on occasional vacancies the day of election, and shall give at least ten days' notice thereof ; and the Board of Trade shall Constitution and functions of local marine boards.

have power to decide any questions which may be raised concerning the conduct of such elections: provided, that no act of any local board shall be vitiated or prejudiced by reason of any irregularity in the election of any of its members, or of any error in the list of voters hereinafter mentioned, or of any irregularity in the making or revising such list, or by reason of any person who is not duly qualified as hereinafter provided acting upon such board: provided also, that if in any place, by reason of any election not taking place, or of the constant non-attendance of all or the greater part of the elective members, or from any other cause, any local marine board fails to meet or to discharge its duties, the Board of Trade may, if such failure occurs within three months before the next triennial election of such local marine board, undertake such duties provisionally until such election, or, if such failure occurs more than three months before such election, may direct a new election of the elective members of such local marine board to be had immediately.

Minutes and
business of
local boards.

8. And be it enacted, that every local marine board shall keep minutes of its proceedings, in such mode as the Board of Trade may prescribe, and such minutes, and all books or documents used or kept by any local marine board, or by any examiners, shipping masters, or other officers, under the control of any local marine board, shall be open to inspection of the Board of Trade and its officers; but every local marine board may regulate the mode in which its meetings are to be held and its business conducted.

Qualification
of voters for
members to
local marine
boards.

9. And be it enacted, that owners of Foreign-going ships registered at any seaport in which there is to be a local marine board shall have votes at the election of members of such board, as follows; (that is to say), every registered owner of two hundred and fifty tons in the whole of such shipping shall, on the election of each member, have one vote for every two hundred and fifty tons owned by him, so that his votes for any one member do not exceed ten; and for the purpose of ascertaining such qualification the following rules will be observed; (that is to say), in the case of a Foreign-going ship registered in the name of one person, such person shall be deemed to be the owner; and in the case of a Foreign-going ship registered in distinct and several shares in the names of more persons than one, the tonnage shall be apportioned among the owners as nearly as may be in proportion to their respective shares, and each of such persons shall be deemed the owner of the tonnage so apportioned to him; and in the case of a Foreign-going ship, or shares of a Foreign-going ship,

registered jointly without severance of interest in the names of more persons than one, the tonnage shall, if it is sufficient, either alone or together with other tonnage (if any) owned by such joint owners, to give a qualification to each of them, be apportioned equally between the joint owners, and each of such joint owners shall be deemed the owner of the equal share so apportioned to him, but if the tonnage aforesaid is not so sufficient, the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident at the port, or within seven miles thereof, as is first named on the register; and in making apportionment any portion may be struck off so as to obtain a divisible amount; and the whole amount of tonnage so owned by each person, whether in ships or shares of or interest in ships, shall be added together, and if sufficient shall constitute his qualification; provided that no person appearing by the register to be a mortgagee or trustee for sale shall be entitled to vote, but the person who, subject to such mortgage or trust, is the registered owner, shall for the purposes of voting be considered the owner as if no such mortgage or trust existed.

10. And be it enacted, that the collector of Her Majesty's Register of customs in every seaport of the United Kingdom at which there votes for is to be a local marine board shall, with the assistance of the election of registrar of seamen, on or before the twenty-fifth day of September in the present and in every third succeeding year, make out or cause to be made out an alphabetical list of all persons who may be entitled by virtue of this Act to vote in the election of a member or members to serve on the local marine board of such seaport; and in such list the christian name and surname and residence of every person shall be written in full length, together with the number of votes to which such person is entitled; and the said collector shall sign such list, and shall cause a sufficient number of copies of such list to be printed, and to be fixed on or near the doors of the custom house at such seaport for two entire weeks next after such list has been made; and the said collector shall likewise keep true copies of such list, to be perused by any person, without payment of any fee, at all reasonable hours during such two weeks.

11. And be it enacted, that two of Her Majesty's justices of the peace, to be nominated triennially by the mayor or provost list of voters. of every seaport at which there is to be a local marine board, and which nomination the said mayor or provost is hereby required from time to time to make, shall, between the eighth and fifteenth days of October, both inclusive, in the present and

in every third succeeding year, having first given three days' notice of such revision by advertising the same in one or more newspapers in such seaport, and by affixing such notice on or near to the doors of the custom house of such seaport, revise at such custom house, or in some convenient room or place near thereto to be hired for the purpose by the said collector, the list so made out as aforesaid; and on every such revision any person whose name has been omitted from such list may claim to be inserted therein, and any person whose name has been inserted in such list may object to any other person as not being entitled to have his name inserted therein; and the said revisors may insert the name of any such person so claiming to be inserted in such list, on proof of his being entitled to have his name so inserted, and shall retain the name of any person so objected to, if the objection shall not have been established to their satisfaction, and shall retain in the said list the name of every person to whom no such objection shall have been made; and the decision of the said revisors with respect to every such list shall be final and conclusive, without appeal; and the said revisors shall immediately after such revision sign their names at the foot of the list so revised; and such list, so revised, shall be the register of voters in the election of members to the local marine board of such seaport for three years from the twenty-fifth day of October then next ensuing, inclusive, to the twenty-fourth day of October inclusive, in the third succeeding year; and when and so soon as the said list is so signed the same shall be delivered to the mayor or provost of the said seaport, who shall cause a sufficient number of copies thereof to be printed, and delivered to any voter applying for the same.

Registers to be produced. 12. And be it enacted, that the collector of Her Majesty's customs of every such seaport shall, for the assistance of the said revisors in revising the said list, produce to them the books containing the register of ships registered at such seaport, and such revisors shall be allowed to inspect the same; and the registrar of seamen shall also produce or transmit to such revisors such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

Expences of collector, mayor, or provost, to be repaid to him. 13. And be it enacted, that all expences incurred by the said collector at any such seaport in making and printing the said list, and in the revision thereof, and all expences of the mayor or provost in printing the same, shall be certified by the said justices, in writing under their hands, and shall be repaid to the said collector, mayor, and provost by the Board of Trade,

and the Board of Trade shall also repay to the said mayor or provost all expences properly incurred by them in elections under this act.

14. And be it enacted, that every person whose name shall appear on such revised list, and no other person, shall be qualified to vote at the election of members of the local marine board at such seaport to be held on the twenty-fifth day of October next after the revision of such list, and at any occasional election held at any time between that day and the next ordinary triennial election of members of the said board.

15. And be it enacted, that every male person who is, according to such revised list, entitled to a vote or votes, and shall reside in the seaport for which such list has been revised, or within seven miles thereof, shall be qualified to be elected a member of the local marine board of such seaport: provided always, that every such person elected to such board who after such election ceases to be an owner of such quantity of tonnage as would entitle him under this act to one vote as aforesaid, or to reside as aforesaid, shall no longer continue to act or be considered as a member of such board, and thereupon another election of a qualified member shall take place and be had in the stead of such member of the said board ceasing to be entitled or to reside as aforesaid.

16. And be it enacted, that any functions or powers relating to seamen or apprentices not employed in Her Majesty's service, which are now vested in or exercised by the Lord High Admiral or the Commissioners for executing his office, may, with his or their consent be transferred to and exercised by the Board of Trade.

17. And be it enacted, that the Board of Trade shall nominate two proper persons to assist such board in the execution of this act, and may from time to time remove and replace them, and appoint an annual salary not exceeding six hundred pounds to each of them, and may also for the purposes aforesaid from time to time appoint and remove such officers, clerks, and servants as it may deem necessary, and fix and alter the amount of salaries and wages to be paid to them.

18. And be it enacted, that the Board of Trade shall cause accounts of all monies received or paid by it or by its agents, in pursuance of this act, during the preceding year, of all monies or investments applicable to any of the purposes

Persons on list qualified to vote.

Qualification of members of local marine boards.

Certain functions of Admiralty may be transferred to Board of Trade.

New officers and servants to be appointed.

Accounts to be laid before Parliament.

of this act of which it may be possessed for the time being, to be laid before each house of Parliament in the month of January in every year, if Parliament is then sitting, or, if Parliament is not then sitting, within one month after the next meeting thereof.

Minutes, &c.,
if sealed, to
be received
as evidence.

19. And be it enacted, that all documents purporting to be originals or copies of any minutes or orders of the Board of Trade on matters connected with the merchant service or of any scales of fees settled by it in pursuance of this act, and purporting to be sealed with the seal of the Board of Trade, shall be taken as evidence of such minutes, orders, and scales of fees respectively, without any further proof.

The Board
to sanction
forms re-
quired by
7 & 8 Vict.
c. 112.

20. And be it enacted, that the Board of Trade shall sanction forms of the several documents which are required to be in any particular form by the "General Merchant Seamen's Act," or by so much thereof as is in force for the time being, and may vary such forms from those contained in the schedules thereto, not omitting any essential particulars.*

The Board
to settle and
issue forms
required by
this act.

21. And be it enacted, that the Board of Trade shall cause all such forms as are hereby required to be sanctioned by it to be prepared, and to be sealed with such seal as aforesaid, or to be marked with some other distinguishing mark to be devised and employed for that purpose, and shall cause such forms to be issued and sold as hereinafter mentioned; and all books and documents hereby required to be made in forms so sanctioned shall, if made in forms purporting to be so sealed or marked, be taken to have been made in such forms, unless the contrary is proved; and no book or document hereby required to be in a form so sanctioned shall be admissible in evidence in any civil proceeding on the part of any owner or master of a vessel unless the same purports to be so sealed or marked: provided, that the first set of forms to be so issued shall be circulated amongst the local marine boards and otherwise published for six weeks previous to the first day of January One thousand eight hundred and fifty-one, and after the first day of January, One thousand eight hundred and fifty-one, no new form shall be finally issued and brought into use, unless the same has, three months or upwards previously to such issue, been circulated amongst the local marine boards or otherwise published.*

No form not
marked to be
received as
evidence.
Forms to be
published
previously.

Forms to be
exempt from
Stamp Duty.

22. And be it enacted, that all instruments hereby required to be made in forms sanctioned by the Board of Trade shall, if made in such forms, be exempt from stamp duty.

* See 14 & 15 Vic. c. 102, s. 32.

23. And be it enacted, that every person who forges or procures to be forged or assists in forging such seal or other distinguishing mark as aforesaid, or who fraudulently alters or procures to be altered or assists in altering any form issued by the Board of Trade, with the view of evading any of the provisions of this act, or any condition contained in such form, for each offence shall be deemed guilty of a misdemeanor, or shall be liable summarily to a penalty not exceeding fifty pounds, or to imprisonment not exceeding three months, with or without hard labour, as the justice or court hearing the case may think fit; and every person who in any case in which a form sanctioned by the Board of Trade is hereby required, without reasonable excuse uses any form not purporting to be so sanctioned, or who sells, buys, or uses any document purporting to be a form so sanctioned, knowing the same not to be so sanctioned, or not to have been prepared and issued by the Board of Trade, shall for each offence be liable to a penalty not exceeding ten pounds.

Penalties for forgery of seal, and fraudulent alteration of forms;

for not using forms issued by the Board.

24. And be it enacted, that examinations shall be instituted for persons who intend to become masters or mates of Foreign-going ships, or who wish to procure certificates of competency hereinafter mentioned; and the Board of Trade shall from time to time determine on a general plan for the conduct thereof; and the local marine boards of such ports as have in ships ordinarily employed as Foreign-going ships a registered tonnage of thirty thousand tons or upwards, and such other local marine boards as the Board of Trade may appoint, shall provide for the examinations at their respective ports, and may from time to time remove and re-appoint examiners to conduct the same, and may, subject to the general superintendence of the Board of Trade, regulate the same, and may, subject to the sanction of the Board of Trade, fix the remuneration of such examiners: provided, that if it appears to the Board of Trade that the examination for any two or more ports can be conducted without inconvenience by the same examiners, it may require and authorise the local marine boards of such ports to act together as one board in providing for and regulating examinations, and appointing and removing examiners for such ports; and all examiners shall possess certificates of qualification to be from time to time granted by the Board of Trade, and shall adhere to the general plan of examination instituted by it; and the Board of Trade may at any time depute any of its officers to be present and assist at any examination, and any members of the local marine board of the place where the examination is held may also be present and assist at such examination.

Examinations to be instituted for masters and mates of "Foreign-going ships."

Fees to be paid by applicants.

25. And be it enacted, that all applicants for examination shall pay such fees, not exceeding the sums specified in Schedule (A), as the Board of Trade may direct, to such persons as it may appoint for that purpose.

Certificates of competency to be granted to those who pass, &c.

26. And be it enacted, that the Board of Trade shall deliver to every applicant who is reported by the local examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on shipboard, a certificate to the effect that he is competent to act as master or mate, hereinafter called a certificate of competency.

Certificates of service to be delivered to persons who are already masters and mates, and to officers in the service of her Majesty and the East India Company.

27. And be it enacted, that persons who have before the first day of January, One thousand eight hundred and fifty-one, served as masters or mates in the British merchant service, or who have attained or may hereafter attain the rank of lieutenant, master, passed mate, or second master, or any higher rank, in the naval service of Her Majesty or of the East India Company, shall be entitled, without payment of any fee, to certificates as masters or mates (as the case may be), differing in form from "certificates of competency," and hereinafter called "certificates of service;" and each of such certificates shall contain particulars of the name, place, and time of birth, and of the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver to any person who proves himself to have served as master in such manner and before such time as aforesaid, or to have attained such rank as aforesaid, and who also gives a full and satisfactory account of the particulars aforesaid, a certificate of service, either as master or mate, as he may desire, and shall deliver to any person who proves himself to have served as mate in such manner and before such time as aforesaid, and who also gives a full and satisfactory account of the particulars aforesaid, a certificate of service as mate; and the Board of Trade may also, in cases in which it thinks fit so to do, give certificates of competency in lieu of certificates of service to any deserving persons who have attained such rank as above mentioned, or who before this act comes into operation have obtained certificates from the Board of Trade, without requiring them to be examined.

Board may in some cases give them certificates of competency.

Power to Boa Trade, under certain con-

28. And be it enacted, that if any master or mate is convicted of a misdemeanor under this act, or is superseded by the order of a naval court constituted as hereinafter mentioned, the Board of Trade may thereupon cancel or suspend his

certificate, whether of competency or service; and if the Board of Trade or any local marine board has reason to believe that any master or mate is from incompetency or misconduct unfit to discharge his duties, such board may either institute an investigation, or, if expedient, the Board of Trade may direct the local marine board at or nearest to the place at which it may be convenient for the parties and witnesses to attend to institute the same; and thereupon such persons as the Board of Trade may appoint for the purpose, or as the case may be, the local marine board shall, with the assistance of a local stipendiary magistrate (if any), and if there is no such magistrate, of a competent legal assistant to be appointed by the Board of Trade, conduct the investigation, and may summon the master or mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may exercise any of the powers of procuring evidence hereinafter given to special inspectors appointed by the Board of Trade, and shall on the conclusion of the investigation make a report upon the case to the Board of Trade; and if such report is to the effect that such master or mate is, either from incompetency, or from habitual drunkenness, or from tyrannical habits, unfit to discharge his duties, the Board of Trade may cancel or suspend his certificate, whether of competency or service; and every master or mate whose certificate is cancelled or suspended shall thereupon deliver it to the Board of Trade, or as it may direct; and such board may at any subsequent time grant a fresh certificate to any person whose certificate has been cancelled, and it may pay the expence of any such investigation as aforesaid, and may pay to such magistrate or legal assistant as aforesaid such remuneration as it may deem fit: provided always, that no person interested in any ship shall take part in any investigation relating thereto, or to the conduct or competency of any master or mate thereof.

29. And be it enacted, that all certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the registrar of seamen, or by such other person as the Board of Trade may direct so to do; and the board shall give to the registrar or such other person immediate notice of all orders made by it for cancelling, suspending, altering, or otherwise affecting any certificate; and the registrar or such other person as aforesaid shall thereupon make a corresponding entry in the record of certificates; and a copy purporting to be certified by the registrar or his assistant, or by such person as aforesaid of any

The registrar to have notice of grants, cancellations, &c. of certificates, and to record the same.

Duplicates and entries.

to be evidence. certificate, shall be *prima facie* evidence of such certificate, and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be *prima facie* evidence of the truth of the matters stated in such entry; and in case any master or mate proves to the satisfaction of the Board of Trade that he has innocently lost or been deprived of any certificate already granted to him, the board shall, upon payment of such fee (if any) as it may direct, cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid, and to be delivered to him, and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

In case of loss a copy to be granted.

No Foreign-going ship is to proceed to sea without production of the certificates of the master and mates.

30. And be it enacted, that no Foreign-going ship shall go to sea, unless the master and the first and second mates or the only mate (as the case may be), if engaged to serve in those capacities at the commencement of the voyage, have obtained and possess valid certificates either of competency or service appropriate to their several stations; and no officer of customs shall clear outwards any such ship or permit any such ship to proceed to sea unless such appropriate certificates are produced to him; and the tide-waiters left on board shall be maintained at the expence of the master or owner until such certificates are produced, and clearance may be delayed till such expence is satisfied.

Penalties for false representations;

for forging or altering or fraudulently using any certificate;

for neglecting to give up certificate when cancelled; and for going

31. And be it enacted, that every person who makes or procures to be made or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, for each offence shall either be deemed guilty of a misdemeanor, or shall be liable summarily to a penalty not exceeding fifty pounds, or to imprisonment not exceeding three months, with or without hard labour, as the justice or court hearing the case may think fit; and every person who neglects or refuses to give up a cancelled or suspended certificate when required by the Board of Trade so to do, or who, having been engaged to serve as master or as first or second or only mate of any Foreign-going ship, goes to sea as such master or mate without being at the time entitled to

and possessed of a valid and appropriate certificate, or who employs any person as master or mate of any such ship as out-ceruff-afore said knowing him not to be entitled at the time to a valid certificate, shall for each such offence be liable to a penalty not exceeding fifty pounds.

32. And be it enacted, that all powers of controlling and regulating the general register and record office for seamen which are given to the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral by the said "General Merchant Seamen's Act," and by an act passed in the session of the fifth and sixth years of the reign of King William the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall, from the time when this act comes into operation, be vested in the Board of Trade; and such board may, with the concurrence of the said Lord High Admiral or Commissioners, dispense with the observance of all or any of those parts of the "General Merchant Seamen's Act" which relate to register tickets of seamen; and such board may direct the performance by the registrar of seamen of any other duties than those now imposed on him, or may unite his office and duties with any other office and duties relating to the merchant service, or may abolish his office, and direct any duties thereof which the board may think it desirable to continue to be performed by such persons, being servants or agents of the board, and in such manner as the board may think fit; and the Commissioners of Her Majesty's Treasury may make any alterations in the payment of the salaries and allowances of the registrar, his assistants and clerks, and may regulate the salaries or allowances to be paid to them or to any other persons for performing any of his or their continuing duties.

Transfer to Board of Trade of control over registrar.

7 & 8 Vict. c. 112.

5 & 6 W. 4, c. 19.

Power to dispense with so much of 7 & 8 Vict. c. 112, as relates to register tickets.

Power to alter or abolish the office.

Treasury to regulate salaries.

Registry, how to be kept in future.

33. And be it enacted, that the registrar of seamen or such other person as the Board of Trade may direct so to do shall, so far as by means of the documents transmitted to him he is able so to do, keep a record of such particulars relating to persons in the merchant service as are now recorded by him, or such other record of matters relating to such persons as the board may direct.

34. And be it enacted, that all shipping-masters and officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this act, other officers

to transmit documents to registrar, to be preserved.

Registrar to permit inspection, to produce originals, and give copies.

and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them, excepting log-books, to the registrar of seamen, or to such other person as the Board of Trade may direct, to be by him recorded and preserved; and the registrar, or such other person as the board may intrust with the custody of any such document, shall, on payment of a moderate fee to be fixed by the board, or without payment of any fee if the board so direct, allow any person to inspect the same, and, in cases in which the production of the original in any court of justice or elsewhere is essential, produce the same, and in other cases make and deliver to any person requiring it a certified copy thereof or of any part thereof; and every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Local Boards may establish and regulate shipping offices.

35. And be it enacted, that in every seaport in the United Kingdom in which there is a local marine board, such board shall establish a shipping-office or shipping-offices, and may procure the requisite premises, and appoint, and from time to time remove and reappoint, superintendents of such offices, to be called shipping-masters, with any necessary deputies, clerks, and servants, and fix and from time to time alter their salaries and wages, and regulate the mode of conducting business at such offices, and have complete control over the same, subject to the approval and immediate direction of the Board of Trade so far as regards the number of persons appointed, the amount of salaries and wages, and the receipt and payment of money; and, subject as aforesaid, every shipping-master shall obey the directions of the local marine board by which he is appointed; and all shipping-masters, deputies, clerks, and servants shall before entering upon their duties give such security (if any) for the due performance thereof as the Board of Trade may require; and every act done by or before any deputy duly appointed shall have the same effect as if done by or before the shipping-master: provided, that if in any case any two members of any local marine board complain to the Board of Trade that any shipping-master, deputy, clerk, or servant appointed by such local marine board does not properly discharge his duties, the Board of Trade may investigate the case, and may, if the complaint is substantiated, remove him from his office, and may provide for the proper performance of his duties until another person is properly appointed in his place.

36. And be it enacted, that it shall be the general business of shipping-masters appointed as aforesaid to afford facilities for such offices engaging seamen by keeping registries of their names and generally, characters, to superintend and facilitate their engagement and discharge in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties in respect of seamen as are hereby or may hereafter be committed to them.

37. And be it enacted, that the Board of Trade may, with the consent of Her Majesty's Commissioners of Customs, cause any duties relating to seamen or apprentices which are now performed by officers of customs to be transferred to and performed by shipping-masters appointed under this act.

Business may be transferred from customs to shipping-masters.

38. And be it enacted, that fees shall be payable upon engagements and discharges, which in pursuance of this act are to be effected before shipping-masters as hereinafter mentioned, so nevertheless that such fees shall not exceed the sums specified in Schedule (B); and, subject to such restriction, the Board of Trade shall fix and may alter the amount of such fees, and shall cause scales thereof to be prepared and to be conspicuously placed in the shipping-offices; and all shipping-masters, their deputies, clerks, and servants, may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

Fees to be paid upon engagements and discharges, not exceeding sums in schedule B.

39. And be it enacted, that every owner or master of a ship engaging or discharging any crew or seaman in a shipping-office or before a shipping-master, shall pay to the shipping-master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, notwithstanding anything in the Seamen's Protection Act contained, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge, from the wages of all persons (except apprentices) so engaged or discharged, and retain, any sums not exceeding the sum specified in that behalf in Schedule (C).

Masters to pay fees, and to deduct part from wages.

Schedule C.

40. And be it enacted, that any shipping-master, deputy shipping-master, clerk, or servant who demands or receives any remuneration whatever, either directly or indirectly, for hiring, supplying, or providing any seaman for any merchant ship, excepting the lawful fees payable under this act, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Shipping-masters taking other remuneration to be liable to penalty.

Forms issued by the Board to be sold at shipping-offices.

41. And be it enacted, that the Board of Trade shall cause printed forms of all agreements, advance notes, allotment notes, receipts, discharges, official log books, and other documents which in pursuance of this act are issued or sanctioned by the board for the use of persons engaged in or connected with the merchant service, to be supplied or sold at all shipping-offices, at such times, to such persons, at such moderate prices (if any) and in such manner as the board may direct, or by such other persons as it may license so to do.

Business of shipping-offices may be transacted at custom houses.

42. And be it enacted, that the Board of Trade may, with the consent of the Commissioners of Her Majesty's Customs, direct that at any place in which no separate shipping-office is established the whole or any part of the business of the shipping-office shall be conducted at the custom house, and thereupon the same shall be there conducted accordingly; and in respect of such business such custom house shall for all purposes be deemed to be a shipping-office, and the officer of the customs there to whom such business is committed shall for all purposes be deemed to be a shipping-master, within the meaning of this Act.

The Board may authorise sailors' homes to take and retain fees,

and may appoint sailors' homes in London.

43. And whereas it is expedient to encourage Sailors' Homes in the seaports of the United Kingdom: be it enacted, that if the Board of Trade or any local marine board appoints any superintendent or other person connected with any such home to be a shipping-master, or constitutes any office in any such home a shipping-office for all or any of the purposes of this act, the Board of Trade may authorise the whole or any portion of the fees paid at any such office to be appropriated for the use of such home: provided also, that in the port of London the Board of Trade may appoint any superintendent of any Sailors' Home, or any other person connected therewith, to be a shipping-master, with such deputies, clerks, and servants as may be necessary, and may appoint any office in any such home to be a shipping-office, and may from time to time revoke and alter such appointments; and all shipping-masters, deputies, clerks, and servants so appointed, and all shipping-offices so constituted, in the port of London, shall be subject to the immediate control of the Board of Trade, and not to the local marine board of the port.

The Board may in any cases dispense with

44. And be it enacted, that the Board of Trade may from time to time in any case or class of cases dispense with the transaction before a shipping-master or in a shipping-office of any matters required by this act to be so transacted; and

thereupon such matters shall, if duly transacted as otherwise the shipping- required by law, be as valid as if transacted before a shipping- master's superinten- master or in a shipping-office. dence.

45. And be it enacted, that so much of the "General Repeal of Merchant Seamen's Act" as relates to agreements with seamen so much of shall be repealed from the time when so much of this act as 7 & 8 Vict. relates to the same particulars comes into operation, except as c. 112, as to agreements entered into and liabilities and penalties incurred relates to before that time; and that such of the provisions of the same agreements, act as relate to the delivery and production of the agreements ss. 2, 3, 4, 5, thereby required to any consular or naval officer or officer of 53, 55, 56, customs abroad, and to endorsements to be made thereon by any such officer, shall apply to the agreements hereby required.

46. And be it enacted, that every master of a ship shall, Agreements on carrying any seaman to sea as one of his crew, enter into an to be made agreement with him in the matter hereinafter mentioned: and with seamen, every such agreement shall be in a form to be sanctioned and containing certain particulars. issued by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof:—

1. The nature, and, as far as practicable the length of the voyage or engagement on which the ship is to be employed:
2. The time at which each seaman is to be on board or to begin work:
3. The capacity in which each seaman is to serve:
4. The amount of wages which each seaman is to receive:
5. A scale of the provisions which are to be furnished to each seaman:
6. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt:

And shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to advance and allotment of wages; and may contain any other stipulations which are not contrary to law.

47. And be it enacted, that with respect to Foreign-going For Foreign- ships, every agreement (except in the special cases of agree- going ships ments made out of the United Kingdom and of agreements such agree- with substitutes hereinafter mentioned) shall be signed by each ments, ex-

cept in special cases, to be made before and attested by a shipping-master ; to be in duplicate ; one copy to be retained, the other for the master.

Provision for engagements abroad and for substitutes.

seaman in the presence of a shipping-master; and such shipping-master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same, before he signs it, and shall attest each signature; and when the crew is first engaged the agreement shall be signed in duplicate; and one part shall be retained by the shipping-master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master; and in the special cases of seamen engaged out of the United Kingdom, and of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea, by death, desertion, or other unforeseen cause, the engagement may, when practicable, be made before some official shipping-master duly appointed either in the United Kingdom or in Her Majesty's dominions abroad for the purpose of shipping seamen, and in the manner hereinbefore specified for ordinary cases happening in the United Kingdom; and in such special cases whenever the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seaman, either before some consular officer, or before some officer of customs, or on board the ship; and the seaman shall thereupon sign the same in the presence of such officer, or of some other witness, who shall attest his signature: provided that nothing herein contained shall dispense with the sanction for shipping seamen at Foreign ports required by the General Merchant Seamen's Act.

In Home-trade ships the agreement to be entered into either before a shipping-master or on board.

48. And be it enacted, that with respect to Home-trade ships, crews or single seamen may, if the master thinks fit, be engaged or discharged before a shipping-master in the manner hereinbefore directed with respect to Foreign-going ships; and in every case in which the engagement is not so made the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

Alterations to be void unless attested to

49. And be it enacted, that every erasure, interlineation, or alteration in any such agreement as aforesaid (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure

of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested made with by the written attestations (if made in Her Majesty's dominions) of some shipping-master, justice, officer of the customs, or other public functionary, or (if made out of Her Majesty's dominions) of a consular officer, or, where there is no consular officer, of two respectable British merchants.

50. And be it enacted, that in the case of Foreign-going ships the master shall, before quitting the first port of departure, produce and show to the collector or comptroller of customs the agreement so signed and attested as aforesaid, and no officer of customs shall clear any such ship outwards or permit any such ship to proceed to sea without such production; and the master shall also, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver such agreement to the shipping-master, or, if there is no shipping-master, to the collector or comptroller of customs; and the shipping-master or officer of customs shall thereupon give to the master a certificate of such delivery; and no officer of customs shall clear inwards any Foreign-going ship without the production of such certificate; and in every case in which any such ship is delayed for want of the production of any agreement or certificate of the delivery thereof the tide-waiters left on board shall be maintained at the expence of the master or owner until the same is produced, and clearance may be delayed till such expence is satisfied.

Agreements to be produced by Foreign-going ships on departure, and delivered on arrival;

otherwise they are not to be cleared inwards.

51. And be it enacted, that in the case of Home-trade ships no agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in the United Kingdom after such date; and the owner or master of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping-master or officer of customs in the United Kingdom every agreement made within the six calendar months next preceding such days respectively; and the shipping-master or officer of customs shall thereupon give to the master or owner a certificate of such transmission or delivery; and no officer of customs shall give to the master or owner of any such ship as aforesaid a transire or any other customs' document necessary for the conduct thereof without the production of such certificate.

Agreements to be produced by Home-trade ships half-yearly;

otherwise they are not to receive transire, &c.

Seamen not to be bound to produce any agreement or copy.

Seamen not to lose lien for wages.

Certain stipulations to be void.

52. And be it enacted, that any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

53. And be it enacted, that no seaman shall by reason of any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation which is inconsistent with any provision of this act or of any other act relating to merchant seamen, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Copy of agreement to be made accessible to crew.

54. And be it enacted, that the master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed on board in such a manner as to be accessible to the crew.

Penalties on masters; for taking seamen to sea without agreement; for non-production of agreement; for not giving agreement to crew;

for falsifying agreement.

55. And be it enacted, that if in any case any seaman is carried to sea without entering into an agreement in the form and manner and at the place and time hereby in such case required, or if any agreement, or such copy thereof as aforesaid is not delivered or transmitted to a shipping-master or officer of customs at the time and in the manner hereby directed, the master in the case of a Foreign-going ship, and the master or owner in the case of a Home-trade ship, shall for each of such offences be liable to a penalty not exceeding five pounds; and if a copy of the agreement is not placed on board in the manner hereinbefore directed, the master shall for such offence be liable to a penalty not exceeding five pounds; and every person who fraudulently alters, or procures to be altered, or assists in altering, or makes or procures to be made, or assists in making, any false entry in, or delivers, or procures to be delivered or assists in delivering a false copy of any agreement, for each such offence shall either be deemed guilty of a misdemeanour, or shall be liable summarily to a penalty not exceeding fifty pounds, or to imprisonment not exceeding three months, with or without hard labour, as the justice or court hearing the case may think fit.

Right to wages and provisions

56. And be it enacted, that a seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the

agreement for his commencement of work or presence on when to board, whichever first happens: provided, that this enactment shall not prejudice the infliction of any lawful punishment, forfeiture, or fine; nor shall any seaman be entitled to wages for any period during which he refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work.

57. And be it enacted, that any seaman who has signed an agreement, and who is discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the justice hearing the case may deem satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

58. And be it enacted, that so much of the Seamen's Protection Act as relates to advance of wages and advance notes shall be repealed from the time when those parts of this act which relate to the same particulars come into operation, except as to advances made and advance notes given before that time.

59. And be it enacted, that no advance note shall be made except in forms sanctioned by the Board of Trade, which are to contain blanks for the number of days within which the notes are to be payable, and such other blanks as may be necessary; and no such form shall be altered except by duly filling up the blanks therein; and no advance of wages shall be made or advance note given to any person but the seaman himself; and no advance of wages shall be made or advance note given unless the agreement contains a stipulation for the same and an accurate statement of the amount thereof; and no advance note shall be given to any seaman who signs the agreement before a shipping-master, except in the presence of such shipping-master, or, except in the case of a substitute, until four hours after the agreement has been so signed.

60. And be it enacted, that if any advance of wages is made or any advance note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such

lations to be no discharge of wages. advance had been made or promised; and in the case of any advance note so given no person shall be sued thereon unless he was a party to such breach.

Advance notes to be receipted when discounted; may be sued on summarily;

certain evidence to be sufficient.

61. And be it enacted, that whenever any advance note is discounted for any seaman, such seaman shall sign or set his mark to a receipt endorsed on the note, stating the sum actually paid or accounted for to him by the person discounting the same; and such person may, after the expiration of ten days from the final departure of the ship from her last port of departure in the United Kingdom, sue for and recover the amount promised by the note, with costs, either from the owner, or from any agent who has drawn or authorised the drawing of such note, either in the county court or in the summary manner in which seamen are by the General Merchant Seamen's Act enabled to sue for and recover wages not exceeding twenty pounds; and in any such proceeding it shall be sufficient for such person to prove that the note was given by the owner or by the master or some other authorised agent, and that the same was discounted to and receipted by the seaman; and the seaman shall be presumed to have gone to sea with the ship, and to have duly earned or to be duly earning his wages, unless the contrary is proved, either by the production of his register ticket, or by the official statement of the change in the crew caused by his absence, made and signed by the master as hereinafter required, or in some other manner.*

Stipulations for allotment to be inserted in agreements.

62. And be it enacted, that all stipulations for the allotment of any part of the wages of a seaman during his absence shall be inserted in the agreement, and shall state the amounts and times of the payments to be made; and all allotment notes shall be in forms sanctioned by the Board of Trade.

Place appropriated to seamen to have nine superficial feet for each man, and to be properly constructed.

63. And be it enacted, that every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have a space of not less than nine superficial feet for every adult measured on the deck or floor of such place, which shall be kept free from stores or goods of any kind not being their personal property in use during the voyage; and every such place shall be securely and properly constructed and well ventilated.

Board to issue scale of medicines according to 7 & 8 Vict. c. 112, s. 18.

64. And be it enacted, that the duty of issuing a scale of medicines and medicaments, which is by the General Merchant Seamen's Act imposed on the Lord High Admiral, or the Commissioners for executing his office, shall be transferred to the Board of Trade.

* Repealed by Sec. 16 of 14 & 15 Vic. c. 96, and o'her provisions substituted.

65. And be it enacted, that in the case of ships bound to any ports in Her Majesty's dominions in North America, the Board of Trade may, by general regulations, dispense with the observance of so much of the General Merchant Seamen's Act as relates to lime or lemon juice, sugar, and vinegar, and may limit such dispensation to any class of such ships, and impose any conditions it may think fit, and may revoke any such dispensation.

Board may dispense with lime juice, &c. in certain cases.

66. And be it enacted, that the Board of Trade and the local marine boards may appoint proper medical inspectors to inspect the medicines, medicaments, lime or lemon juice, sugar, and vinegar required by the General Merchant Seamen's Act, and may, subject to the sanction of the Board of Trade, fix the remuneration of such persons; and such medical inspectors shall for the purposes of such inspection have the same powers as the special inspectors hereinafter mentioned; and whenever any such medical inspector reports to the collector or comptroller of customs in any port, and at the same time to the master, owner, or consignee of any ship lying therein which is required to carry such articles, that in such ship, the said articles, or any of them, are deficient in quantity or quality, or are placed in improper vessels, the master of such ship, before proceeding to sea, shall produce to such collector or comptroller a certificate under the hand of such medical inspector, or of some other medical inspector, to the effect that such deficiency has been supplied or remedied, or that such improper vessels have been replaced by proper vessels, as the case may be; and if such ship proceeds to sea without the production of such certificate, the owner, master, or consignee thereof shall be liable to a penalty not exceeding twenty pounds: provided, that every such inspector, if required by timely notice in writing from the master, owner, or consignee, shall make his inspection three days at least before the ship proceeds to sea, and if the result of the inspection is satisfactory shall not again make inspection before the commencement of the voyage, unless he has reason to suspect that some of the articles inspected have been subsequently removed, injured, or destroyed.

Board of Trade and local boards may appoint inspectors of medicines, who are to see that ships are properly supplied.

67. And be it enacted, that any person who sells or supplies any medicines, medicaments, lime or lemon juice, of bad quality, for the use of any ship, shall for each offence be liable to a penalty not exceeding twenty pounds.

Persons selling bad drugs liable to penalty.

68. And be it enacted, that every master shall keep on Ma-ters to

keep weights board proper weights and measures, for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out in the presence of a witness, whenever any dispute arises about such quantities.

Penalties for want of space ; for improper construction or ventilation of sleeping places ; for not keeping weights and measures. 69. And be it enacted, that if any place in any ship occupied by seamen or apprentices, and appropriated to their use, is not in the whole sufficiently large to give such space as hereinbefore required, or if any such place is not securely and properly constructed and well ventilated, the owner shall for every such offence be liable to a penalty not exceeding twenty pounds ; and if any such space as aforesaid is not kept free from goods and stores as aforesaid, or if proper weights and measures are not kept or allowed to be used as hereinbefore directed, the master shall for every offence be liable to a penalty not exceeding ten pounds.

Refusal to join and desertion to be punishable with three months' imprisonment ; with power to justice to send the offender on board. 70. And be it enacted, that if any seaman, after signing the agreement as hereinbefore required, or any apprentice, wilfully neglects or refuses to join his ship, or deserts, and then, or afterwards is found or arrives at any place in which there is a court or justice capable of exercising jurisdiction under this act, he shall, on due proof of the offence, and, when practicable, of a proper entry thereof in the official log-book, be summarily punished by imprisonment for a period not exceeding twelve weeks, with or without hard labour, at the discretion of the court or justice inflicting the same : provided that, in case the master, or the owner, or his agent so requires, such court or justice may, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or may deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expences properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages which he may have then earned, or which by virtue of his then existing engagement he may afterwards earn.

Master or owner may give deserters, &c. in charge without warrant. 71. And be it enacted, that whenever a seaman or apprentice neglects or refuses to join, or absents himself without leave or deserts from, any ship in which he is engaged to serve, the master or any mate, or the owner, ship's husband, or consignee, may, for the purpose of carrying him before a justice, apprehend or require any police officer or constable to apprehend

him, without first procuring a warrant, but so nevertheless as not to detain him in custody more than twenty-four hours, or such shorter time as may in the particular case be reasonable, before the case is heard or a proper warrant is procured; but if any such apprehension appears to the court or justice before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the same, or caused the same to be made, shall be liable to a penalty not exceeding twenty pounds.

72. And be it enacted, that if in the course of a voyage any On voyage
seaman or apprentice is found absenting himself from his seamen
ship without leave, the master or any mate, or the owner, found absent
ship's husband, or consignee, may, in any place in Her Majesty's without
dominions, with or without the assistance of the local authori-
ties, who are hereby directed to give the same if required, and be carried
also at any place out of Her Majesty's dominions, if and so far on board.
as the laws in force at such place will permit, apprehend him,
and shall thereupon, if he so requires, and if practicable, con-
vey him before some court of justice capable of hearing his
complaint, to be dealt with according to law, or may, if he
does not so require, or if there is no such court or justice at or
near the place, at once convey him on board.

73. And be it enacted, that such wages or parts of wages Wages for-
forfeited for desertion as are, by the section of the General felted for
Merchant Seamen's Act (Number IX.) in the copy printed by desertion to
the Queen's printer, applicable to the reimbursement of the be recover-
expences occasioned by such desertion to the master or owner able by mas-
of the ship from which the seaman has deserted, may ter, &c. who
be recovered by such master or by the owner or his agent has suffered
in the same manner as the seaman might have recovered by the deser-
same if they had not been forfeited; and any court or justice tion.
may in any proceeding relating to such wages order the same 7 & 8 Vict.
to be paid accordingly. c. 112, s. 9.

74. And be it enacted, that in all cases of desertion from any Entries and
ship in any place abroad the master shall produce the entry certificates
of such desertion in the official log-book to the person or of desertion
persons required by the General Merchant Seamen's Act to abroad to be
indorse on the agreement a certificate of such desertion; and copied, sent
such person or persons shall thereupon make and certify a copy home, and
of such entry and also a copy of the said certificate of desertion; and admitted in
and if such person is a public functionary he shall, and in other evidence.
cases the said master shall, forthwith transmit such copies to 7 & 8 Vict.
c. 112, ss. 9,
46.

the registrar of seamen in England ; and the said registrar shall, if required, cause the same to be produced in any legal proceeding ; and such copies, if purporting to be so made and certified as aforesaid, and if shown to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

False statement as to last ship or name to be forfeiture.

75. And be it enacted, that if any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall forfeit out of the wages he may earn by virtue of such engagement a sum not exceeding five pounds ; and such sum shall, subject to reimbursement of the loss and expences (if any) occasioned by any previous desertion, be paid to the Board of Trade.

Board may dispense with sanction for discharge of men in colonies required by 7 & 8 Vict. c. 121, s. 46.

76. And be it enacted, that the Board of Trade may, by regulations duly published, dispense with the necessity of obtaining such sanctions for the discharge of seamen in Her Majesty's dominions abroad as are required by the General Merchant Seamen's Act, and may limit such dispensations to any particular class of ships or voyages, and may impose any conditions it may think fit, and may revoke any such dispensation ; and whilst any such dispensation is in force any master, whose agreement permits of his so doing, may discharge his crew or any members thereof, without such sanction as aforesaid, in any place to which such dispensation may apply.

Misconduct endangering the ship or life or limb, a misdemeanor.

77. And be it enacted, that any master or mate of, or any seaman or apprentice belonging to any British ship, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for each such offence be deemed guilty of a misdemeanor.

Certain of-

78. And be it enacted, that any seaman or apprentice who

whilst on service commits any of the following offences, and fences to be who then is or afterwards arrives or is found at any place in punishable which there is a court or justice capable of exercising summary on arrival in jurisdiction under this act, may, on due proof of the offence, port. and of such entry thereof in the log-book as hereinafter directed, be summarily punished by imprisonment, with or without hard labour, not exceeding in duration the several periods following; (that is to say),

1. Twelve weeks for wilfully damaging the ship, or em- Theft, or wil-
bezzling or wilfully damaging any of her stores or cargo : ful damage ;
2. Twelve weeks for assaulting any master or mate : assaulting
3. Four weeks for wilful disobedience to any lawful officers ;
command : act of dis-
obedience ;
4. Twelve weeks for continued wilful disobedience to lawful commands, or for continued wilful neglect of duty : continued
5. Twelve weeks for combining with any other or others of disobedience
the crew to disobey lawful commands, or to neglect or neglect of
duty, or to impede the navigation of the ship or the duty ;
progress of the voyage : combining
provided always, that nothing hereinbefore contained shall to disobey or
take away or abridge any powers which a master has over his neglect duty.
crew.

79. And be it enacted, that whenever any act of misconduct Fines to be is committed which is by the agreement subject to a fine, the deducted appropriate fine shall, if an entry of the offence is made and from wages, attested in the official log-book as hereinafter directed, and if and paid to the offence is proved to the satisfaction of the shipping-master shipping master. to whom the fine is to be paid, be deducted from the wages of the offender; and the master or owner shall pay over every fine so deducted as follows; that is to say, in the case of Foreign-going ships to the shipping-master before whom the crew is discharged, and in the case of Home-trade ships to the shipping-master at or nearest to the place at which the crew is discharged; and any master or owner who neglects or Penalty. refuses to pay over any such fine as aforesaid shall for each offence be liable to a penalty not exceeding six times the amount of the fine retained by him : provided always, that if, before the final discharge of the crew in the United Kingdom, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged abroad, the offence shall then be proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged; and the fine shall thereupon be deducted as aforesaid; and an entry of such deduction shall then be made in

the official log-book, and signed by such officer or other person; and such fine shall, on the return of the ship to the United Kingdom, in the case of Foreign-going ships, be paid to the shipping-master before whom the crew is discharged, and in the case of Home-trade ships to the shipping-master at or nearest to the place at which the crew is discharged.

Both imprisonment and forfeiture may be inflicted, if justice so requires.

80. And be it enacted, that whenever in any proceeding under the General Merchant Seamen's Act or this act any question arises concerning any offence committed by a seaman or apprentice which is punishable under either of such acts, the court or justice hearing the same may, if the justice of the case requires, order the offender to be punished, both by lawful imprisonment appropriate to the case, and, in addition, may make such order in regard of wages accruing due in the meantime as to such court or justice may seem fit.

No allowance for reduction in provisions during neglect of duty or confinement, or according to agreement.
7 & 8 Vict.
c. 112, s. 12.

81. And be it enacted, that no seaman or apprentice shall be entitled to any pecuniary allowance on account of any reduction in the quantity of provisions furnished to him during such time as he wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore, or during such time as such quantity may be reduced in accordance with any regulation for reduction by way of punishment contained in the agreement.

Naval Court for hearing complaints on the high seas.
Its constitution;

82. And be it enacted, that if, whilst any ship is out of Her Majesty's dominions, a complaint is made by the master or by any of the certificated mates, or by one-third or more of the seamen in her crew, or by the consignee, to any naval officer in command of any ship of Her Majesty, or, in the absence of such naval officer, to any consular officer, such naval or consular officer shall thereupon, if circumstances admit, and if he thinks the case requires immediate investigation, but not otherwise, summon a court consisting of not more than five and not less than three members, of whom, if possible, one shall be a naval officer not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either naval officers, masters of British merchant ships, or British merchants, and such court may include the naval or consular officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular

and powers.

officer on such court, if there is only one such officer on the court, and if there is more than one, the naval or consular officer who according to any regulations for settling their respective ranks for the time being in force is of the highest rank, shall be the president of such court; and such court shall hear the case, and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths and affirmations, and order the production of documents, and may discharge any seaman from his ship, and may, if the court is unanimous that the safety of the ship or crew, or the interests of the owner, absolutely require it, supersede the master, and appoint another person to act in his stead, such appointment to be made with the consent of the consignee of the ship, if then at the place; and shall, whether any order is made or not, make a report containing a statement of the proceedings and of the evidence, and send it to the Board of Trade; and such report, if purporting to be signed by the senior naval officer or master, or to be sealed with the consular seal, and if produced out of the custody of the Board of Trade or its officers, shall be admitted in evidence in any legal proceeding.

83. And be it enacted, that such court may order the costs of the proceeding before it (if any), or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any cost or compensation so ordered shall be paid by such person accordingly, and may be recovered in the same manner as other sums hereby made recoverable, or may, if the case admits, be deducted from his wages; and the Board of Trade may, in any case in which it thinks fit so to do, pay any costs of any such proceeding, and make any reasonable compensation for any damage or delay caused thereby.

Costs of proceeding and compensation for delay.

84. And be it enacted, that any person who wilfully and without due cause prevents or obstructs the making or investigation of any such complaint as aforesaid, shall for each offence be liable to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a period not exceeding twelve weeks.

Penalty for preventing complaint.

85. And be it enacted, that the Board of Trade shall sanction forms of official log-books, which may be different for different classes of ships, and shall contain, amongst other things, blanks for the entries hereinafter required, and for

The Board is to sanction forms of log-books, which

are to be invariably employed, and properly kept.

entries as to the character and conduct of the several members of the crew ; and an official log of every ship shall be kept in the sanctioned form, and all the blanks therein shall be duly filled up ; and in all cases the entries shall be made as soon as possible after the occurrences to which they relate, and in no case shall any entry be made more than twenty-four hours after the arrival of the ship at her final port of entry or discharge in respect of any occurrence happening previously to such arrival ; and the official log may, at the discretion of the master or owner, be either united with or kept distinct from the ordinary ship's log ; and in cases in which they are kept distinct, and in which the official log is properly kept, nothing herein contained shall apply to the ordinary ship's log.

Entries of fines and punishments to be made in the log and attested ;

86. And be it enacted, that the master of every ship shall, upon every legal conviction of any member of his crew, and upon every infliction of punishment on any such member, and upon the commission of every offence by any such member for which it is intended to procure punishment to be inflicted or to enforce a forfeiture or exact a fine, immediately cause a statement of the offence, and in the case of a conviction or of punishment actually inflicted a statement of such conviction or punishment, to be entered in the official log-book, and shall cause such entry to be signed by a mate of the ship, or, if there is no mate, by the carpenter, boatswain, or one of the oldest members of the crew ; and the master shall also from time to time or at some time before the discharge of the crew fill up the blanks left for that purpose in the official log-books with true entries concerning the conduct and character of the several members of the crew, or may, in a blank to be left for that purpose, state that he declines to give any opinion thereupon.

also entries as to conduct generally.

Entries of illness, injury, and death to be made in log-books ;

87. And be it enacted, that every master shall, in every case of illness or injury causing suspension of work or of death happening to any seaman or apprentice during a voyage, cause an entry thereof, and also, in the case of illness or injury, of the nature thereof and of the medical treatment adopted, and, in the case of death, of the cause of death, to be made in the official log-book ; such entry to be signed by the mate, or, if there is no mate, by the carpenter, boatswain, or one of the oldest members of the crew, and by the surgeon or medical man on board, if any ; and shall also, in case of any seaman or apprentice ceasing to be a member of the crew otherwise than by death on board, thereupon immediately cause an entry of the place, time, manner, and cause of such seaman or apprentice ceasing to be a member of the crew, to be made in the official log-

also of seamen leaving ship.

book, such entry to be signed by the mate, or, if there is no mate, by the carpenter, boatswain, or one of the oldest members of the crew.

88. And be it enacted, that no lists made in the form set forth in Schedule (G) to the General Merchant Seamen's Act shall be required from any master who has engaged his crew before a shipping-master; but the master of every Foreign-going ship of which the crew has been so engaged shall, before finally leaving the United Kingdom, sign and send to the nearest shipping-master a full and accurate statement, in a form to be sanctioned by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom.

List in Schedule (G)
7 & 8 Vict.
c. 112, s. 26,
not required.
Changes in
crew to be
reported.

89. And be it enacted, that in the case of Foreign-going ships the master shall within forty-eight hours after the ship's arrival at her port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping-master, or, if there is no shipping-master, to the collector or comptroller of customs, the official log-book of the voyage; and the shipping-master or officer of customs shall thereupon give to the master a certificate of such delivery, and no officer of customs shall clear inwards any Foreign-going ship without the production of such certificate; and in every case in which any such ship is delayed for want of such certificate the tide-waiters left on board shall be maintained at the expence of the master or owner until the same is produced, and clearance may be delayed till such expence is satisfied.

Official logs
to be deli-
vered by
Foreign-
going ships
on arrival;

otherwise
they are not
to be cleared.

90. And be it enacted, that in the case of Home-trade ships the owner or master shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping-master or officer of customs in the United Kingdom the official log-book for the preceding half-year, and the shipping-master or officer of customs shall thereupon give to the master or owner a certificate of such transmission or delivery; and no officer of customs shall give to the master or owner of any such ship as aforesaid a transire or other customs' document necessary for the conduct thereof, without the production of such certificate.

Official logs
to be deli-
vered by
Home-trade
ships half-
yearly;

otherwise
they are not
to receive
transire:

91. And be it enacted, that if any ship is so transferred as no longer to be within the operation of this act, the master or transferor thereof shall, within one month if such transfer is made in the United Kingdom, and within six months if the same is made elsewhere, deliver or transmit to the shipping-

Logs to be
sent home
in case of
transfer of
ship;

and in case
of loss.

master or comptroller or collector of customs at the port to which the ship previously belonged, the official log-book duly made out to the time of such transfer; and if any ship is lost, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping-master or comptroller or collector of customs at the port to which the ship belonged the official log-book duly made out to the time of such loss.

Logs to be
re-delivered
to master or
owner.

92. And be it enacted, that every shipping-master or officer of customs to whom any log-book is delivered in pursuance of this act shall, at any time after the expiration of forty-eight hours after such delivery, re-deliver the same to the master or owner, if required so to do; and such master or owner shall at any time within two years of such re-delivery, if required by the Board of Trade, produce the same for inspection, as it may direct.

Penalties for
not keeping
log;
for not re-
porting
change in
crew;

for not deli-
vering log;

for making
entries in
log more
than twenty-
four hours
after arrival;
for making
false entries.

93. And be it enacted, that if any log-book hereby required to be kept or made in a particular manner is not so kept, or if any entry hereby directed to be made in any log-book is not made at the time and in the manner hereby directed, or if, in case of any such change in a crew before leaving the United Kingdom as hereinbefore mentioned, such statement thereof is not signed and sent as hereinbefore directed, the master shall for each offence be liable to a penalty not exceeding five pounds; and if any log-book hereby required to be delivered, transmitted, or produced is not delivered, transmitted, or produced as hereby directed, the master or owner (as the case may require) shall for each offence be liable to a penalty not exceeding twenty pounds; and every person who makes or procures to be made or assists in making any entry in any official log-book more than twenty-four hours after the ship has arrived at her final port of discharge in respect of any occurrence happening previously to such arrival, shall be liable to a penalty not exceeding thirty pounds; and every person who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any log-book, for each offence shall either be deemed guilty of a misdemeanor, or shall be liable summarily to a penalty not exceeding fifty pounds, or to imprisonment not exceeding three months, with or without hard labour, as the court or justice hearing the case may think fit.

No seaman
to sue for
wages abroad

94. And be it enacted, that no seaman who is engaged for a voyage or engagement which is to terminate in the United Kingdom shall be entitled to sue abroad for wages in any court

or before any justice, unless he is discharged in the manner except in required by the General Merchant Seamen's Act, and with the cases of personal danger. written consent of the master, or proves such ill-usage on the part of the master, or by his authority, as to warrant reasonable apprehension of danger to the life of such seaman by remaining on board; but if any seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which, for this enactment, would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his wages, such compensation, not exceeding twenty pounds, as the court or justice hearing the case may think reasonable.

95. And be it enacted, that except in cases in which seamen expressly require to be paid without waiting for an account, every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if the seaman is to be discharged before a shipping-master, to such shipping-master, a full account, in a form sanctioned by the board, of his wages, and of all deductions to be made therefrom on any account whatever; and no such deduction (except in the cases above excepted, and also except in respect of any matter happening after such delivery,) shall be allowed unless a statement thereof is so made and delivered.

96. And be it enacted, that in the case of Foreign-going ships, all seamen discharged in the United Kingdom shall be discharged and receive their wages in the presence of a shipping-master duly appointed hereunder.

97. And be it enacted, that the shipping-master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every decision so made by him shall be binding on both parties, and shall, in any legal proceeding which may be taken in the matter before any court or justice, be deemed to be conclusive as to the rights of the parties; and such written submission, though unstamped, signed by the parties, with an unstamped certificate of the decision signed by the shipping-master, shall be sufficient evidence that the same has been duly made.

98. And be it enacted, that upon the completion before a shipping-master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of

Remedy on return to the United Kingdom.

Masters to deliver accounts to seamen.

Discharge from Foreign-going ships to be made before shipping-master.

Shipping-master may decide questions which parties refer to him.

Release to be signed before and attested

by the ship. the shipping-master, sign a mutual release of all claims in
 ping-master ; respect of the past voyage or engagement, in a form to be sanc-
 tioned by the Board of Trade, and the shipping-master shall
 also sign and attest, and shall retain and transmit it as herein-
 before directed ; and such release so signed and attested shall
 and to be operate as a mutual discharge and settlement of all demands
 kept ; between the parties thereto in respect of the past voyage or
 and to be a engagement ; and a copy of such release, certified under the
 discharge ; hand of such shipping-master to be a true copy, shall be given
 by him to any person who may be a party thereto, and may
 require the same ; and such copy shall be receivable in evi-
 dence upon any future question touching such claims as afore-
 said, and shall have all the effect of the original of which it
 and no other purports to be a copy ; and in cases in which discharge and
 receipt to be settlement before a shipping-master is required, no payment,
 a discharge. receipt, settlement, or discharge otherwise made shall operate
 or be admitted as evidence of the release or satisfaction of any
 claim ; and upon any payment being made by a master before
 a shipping-master the shipping-master shall, if required, sign
 and give to such master a statement of the whole amount
 so paid ; and such statement shall, as between the master and
 his employer, be received as evidence that he has made the
 payments therein mentioned.

Master to
 make re-
 ports of cha-
 racter.

99. And be it enacted, that every master shall, upon any
 discharge being effected before a shipping-master, make and
 sign in duplicate, in a form sanctioned by the Board of Trade,
 a report of the conduct, character, and qualifications of the
 persons discharged, or may state in a column to be left for that
 purpose in the said form, that he declines to give any opinion
 thereupon ; and the shipping-master shall retain one copy, and
 shall transmit the other to the registrar of seamen, or to such
 other person as the board may direct, to be recorded ; and shall,
 if desired to do so by any seaman, give to him, or endorse on
 his certificate of discharge, a copy of so much of such report as
 concerns him.

Master, &c.
 to produce
 ship's papers,
 &c. to ship-
 ping-masters,
 and give
 evidence.

100. And be it enacted, that any shipping-master may, in
 any proceeding relating to the wages, claims, or discharge of
 any seaman hereby directed to be carried on before him, call
 upon the owner or his agent, or upon the master or mate or
 other member of the crew, to produce any log-books, papers, or
 other documents in their respective possession or power relating
 to any matter in question in such proceeding, and may call
 before him and examine any of such persons, being then at or
 near the place, on any such matter.

101. And be it enacted, that any master or owner who, in Penalties for any case in which discharge and settlement for wages are hereby not directed to be made before a shipping-master, discharges any charging seaman or settles with him for his wages otherwise than as before shipping-master; hereinbefore directed, shall for each offence be liable to a penalty not exceeding ten pounds; and any master who fails for not giving to deliver such account as hereinbefore required at the time account to and in the manner hereinbefore directed shall for each offence be liable to a penalty not exceeding five pounds; and every owner, agent, master, mate, or other member of the crew, who for not giving when called upon by the shipping master does not produce any evidence; such paper or document as hereinbefore in that behalf mentioned, if in his possession or power, or does not appear and give evidence, and does not show some reasonable excuse for such default, shall for each offence be liable to a penalty not exceeding five pounds; and every person who makes or pro- for falsifying, cures to be made or assists in making any false certificate or forging, or report of the service, qualifications, conduct, or character of fraudulently any seaman, knowing the same to be false, or who fraudulently using certificates of character. forges or alters, or procures to be forged or altered, or assists in forging or altering, any such certificate or report, or who fraudulently makes use of any certificate or report, which is forged or altered, or does not belong to him, for each offence shall either be deemed guilty of a misdemeanor, or shall be liable summarily to a penalty not exceeding fifty pounds, or to imprisonment not exceeding three months, with or without hard labour, as the justice or court hearing the case may think fit.

102. And be it enacted, that all consular officers and all Power of officers of customs abroad, and all local marine boards, and procuring shipping-masters, shall make and send to the Board of Trade, returns, &c. such returns or reports on any matter relating to the British merchant service, or to persons employed therein, as it may require; and all shipping-masters shall, when required, produce to the Board of Trade or to its officers all log-books and other documents which in pursuance of this act are delivered to them; and the Board of Trade may require the attendance of any officer of customs or other public officer or servant in the United Kingdom whom it thinks fit to examine concerning any such matter as aforesaid, and may require from him any answers or returns as to any such matter, and may examine him on oath or affirmation, and cause him to produce before it any documents in his possession relating to any such matter.

103. And be it enacted, that every shipping-master, and Shipping- every officer and agent of the Board of Trade, and every com- masters,

naval officers, consuls, and officers of customs may call for log, &c.

missioned officer of any of Her Majesty's ships, and every British consular officer, and every chief officer of customs in any place in Her Majesty's dominions abroad, may require the production of the official log-book and any documents relating to the crew in the possession of the owner, master, or any of the crew, for the purpose of inspecting the same, and of seeing that the provisions of this act, and of every other act relating to merchant seamen, are complied with.

In cases of accident, misconduct, and of gross violation of law, the Board may appoint special inspectors to report.

104. And be it enacted, that whenever the Board of Trade has reason to apprehend that any serious accident occasioning loss of life or property has been sustained or caused by or has happened on board of any ship, or that any ship has been lost or has received material damage, or that any of the provisions of this act or of any other act relating to merchant ships or merchant sailors are so grossly neglected or disobeyed as to require special investigation, it may appoint the local examiners or any other proper person or persons as special inspector or inspectors to inquire into and report thereupon; and every person so authorised may at all reasonable times, upon producing his authority (if required), go on board and inspect any ship the inspection of which appears to him requisite for the purpose of the investigation, and every part thereof, not detaining the ship from proceeding on her voyage, and enter and inspect any premises the entry or inspection of which appears to him requisite for the same purpose, and may make such inquiries in the matter as he may think fit.

Inspectors may call for the production of evidence.

105. And be it enacted, that every such special inspector as aforesaid may, by summons under his hand, require the attendance of all such persons as he may think fit to call before him upon any matter connected with the execution of any of the powers and duties vested in him as such inspector, and may require answers or returns to any inquiries he may think fit to make, and may require and enforce the production of all log-books, accounts, agreements, or other papers or writings in anywise relating to any such matter, and may also require every such person to make and subscribe a declaration of the truth of the statements made by him in his examination: provided always, that no such person need for the purpose of obeying any such summons travel more than ten miles from his actual abode at the time of receiving the same, unless tender is made to him of such reasonable expences in respect of his attendance to give evidence, and his journeys to and from the place where he is required to attend for that purpose, as would be allowed to any witness attending on subpoena to give evidence before

Expences of witnesses.

any of Her Majesty's courts at Westminster; and in case of any dispute as to the amount of any such expences, the same shall be referred by the inspector to one of the masters of Her Majesty's Court of Queen's Bench, who is hereby required, on a request made to him for that purpose under the hand of the said inspector, to ascertain and certify the proper amount of such expences.

106. And be it enacted, that every person who wilfully Penalties for impedes any special inspector appointed by the Board of Trade obstructing or any other person hereby authorised to enter and inspect any inspectors in ship or other premises in the execution of his duty, whether on the execution board any ship or elsewhere, may be seized and detained by of their duty; such inspector or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some justice of the peace or other officer having proper jurisdiction; and every such offender, and and for not also every person who refuses to attend as a witness before any giving evidence special inspector when required so to do in the manner hereby directed or who refuses or neglects to make any answer, or to inspector. give any return, or to produce any document in his possession, or to make or subscribe any declarations, which any special inspector or other such person as aforesaid is hereby empowered to require, shall for each offence be liable to a penalty not exceeding ten pounds.

107. And be it enacted, that all misdemeanors mentioned Misdemeanors created by this act may be prosecuted by information at the suit of Her Majesty's Attorney General, or by indictment, or prosecuted by such other legal proceeding as is applicable in the like cases in any court having appropriate criminal jurisdiction in any of Her Majesty's dominions, and shall be punishable with fine or imprisonment, with or without hard labour, or both, as such court may think fit, and the court may, if it shall think fit, order payment of the costs and expences of the prosecution; and all penalties and other sums of money hereby made payable or recoverable may be recovered, with costs, and all offences hereby made punishable otherwise than solely as misdemeanors may be prosecuted and punished, and the costs of such prosecution recovered by some appropriate summary proceeding, before one or more justice or justices, sheriff or sheriffs, or other officer or officers exercising a similar jurisdiction in any part of Her Majesty's dominions; and all such summary proceedings, if instituted in England or Wales, may, so far as is consistent with the provisions of this act, be carried on either in the manner directed by an act passed in the

Penalties and other sums to be recovered and offences punished summarily.

session of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "an Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," or, if the case admits, in the manner directed by the General Merchant Seamen's Act as to penalties thereby imposed.

11 & 12 Vict.
c. 43.

7 & 8 Vict.
c. 112.

Jurisdiction
to be where
the offence is
committed,
or wherever
the offender
is.

108. And be it enacted, that for the purpose of giving jurisdiction under this act every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Service to be
good if made
personally,
or on board
ship, &c.
7 & 8 Vict.
c. 112.
8 & 9 Vict.
c. 116.

109. And be it enacted, that service of any summons or other matter in any legal proceeding under the General Merchant Seamen's Act, or the Seamen's Protection Act, or this act, shall be good service, if made personally on the person to be served, or if made by leaving such summons for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Parties may
give evi-
dence.
7 & 8 Vict.
c. 112.
8 & 9 Vict.
c. 116.

110. And be it enacted, that in any legal proceeding of a civil nature under the General Merchant Seamen's Act, or the Seamen's Protection Act, or this act, every person, whether a party to the proceeding or not, shall be a competent witness, and be allowed to give evidence accordingly.

Amount and
application
of penalties.

111. And be it enacted, that any justice or justices or other court or officer imposing any penalty under this act for which no specific application is herein provided, may, if he or they think fit, direct that a part, not exceeding one moiety thereof, shall be applied to compensate any person or persons for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed; and, subject to such directions or specific applications as aforesaid, all penalties recovered in the United Kingdom shall be paid over to the Board of Trade, or applied as it directs, and all penalties recovered in Her Majesty's dominions abroad shall be paid over into the public treasury of the place, and form part of the public revenue thereof; and all sums of money hereby made recoverable, not being penalties, shall be paid to the persons hereby enabled to recover the same; and all penalties and forfeitures, which by the General Merchant Seamen's Act, or the Seamen's Protection Act, are made payable to the Seaman's Hospital Society, shall be paid to the Board of Trade, or as it may direct.

112. And be it enacted, that no conviction, order, or other No proceeding under the General Merchant Seamen's Act, or this act, shall be quashed or vacated for want of form.

ing to be void for informality.

113. And be it enacted, that no distress levied in any proceeding under the General Merchant Seamen's Act or the Seamen's Protection Act, or this act, shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect of form in the summons, order, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but any person aggrieved by such defect or irregularity may recover satisfaction for the special damage in an action.

Distress not unlawful for want of form. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

114. And be it enacted, that every legal proceeding under this act shall, in case the offence is committed or the cause of complaint arises within twenty days before the commencement or during the continuance of any voyage made either by the person complaining or the person offending complained against, be commenced not later than twelve calendar months after the first subsequent arrival of such person or of both of such persons in the United Kingdom, and in all other cases within twelve calendar months after the offence or cause of complaint has been committed or arisen.

Limitation of time.

115. And be it enacted, that whenever, in any legal proceeding in England in respect of any matter in which consular officers have the power of taking depositions, it is proved that a witness who has been examined before any consular officer abroad is out of the United Kingdom, or cannot be found or produced on the trial or hearing, the deposition of such witness taken before such consular officer in the matter, and, if the proceeding is criminal, in the presence of the party accused, and certified by such consular officer under his official seal to have been so taken, shall be admitted in evidence in such proceeding; and any deposition purporting to be so certified as aforesaid shall be deemed to have been so taken and certified as aforesaid, unless the contrary is proved.

Depositions taken before consuls to be received as evidence when the witness cannot be produced. 7 & 8 Vict. c. 112, s. 59.

116. And be it enacted, that every shipping-master, officer of customs, or other public officer or servant, who receives or recovers within the United Kingdom any sum of money for the sale of any forms supplied to him by the Board of Trade, or any fee, fine, or penalty hereby made payable, shall be deemed to be the agent of such board in respect thereof, and shall,

Shipping-masters and other public servants receiving or recovering

money to pay or account for the same to the Board.

according to its instructions, either transmit the same to or to the account of such board, or retain or apply the same as it may direct, and shall, at such times as such board may direct, render to it a full account of all monies so received and of the application thereof.

Monies not presently required to be invested in Parliamentary securities.

117. And be it enacted, that all monies coming to the hands of the Board of Trade under the provisions of this act which are not presently required for any of the purposes hereinafter mentioned, and of which no other application is hereby specially directed, shall be paid into the Bank of England to an account or accounts to be there opened in the name of such board; and such board may, at its discretion, invest any such monies in parliamentary securities, but in no other security, and may from time to time either accumulate the annual produce of such investments, or apply the same to any of the purposes hereinafter mentioned, and may from time to time sell any part of the principal, and apply the proceeds to any of such purposes.

Monies to be applied in payment of expences, &c.

118. And be it enacted, that the Board of Trade shall, out of the monies which come to its hands or to the hands of its agents as aforesaid (except monies of which some other application is hereby specially directed), and the produce of the investments of such monies, in the first place pay all salaries, wages, remunerations, payments, and expences hereby authorised, and all expences properly incurred by the board or its agents in pursuance of any of the provisions of this act, and in the next place pay annually to the Seamen's Hospital Society the following sums, that is to say, in case the net amount arising from such fines and forfeitures as have hitherto been received by the said society equals or exceeds one thousand one hundred and fifty pounds, then the sum of one thousand one hundred and fifty pounds, or, in case such net amount is less than one thousand one hundred and fifty pounds, then a sum equal to such net amount, and shall apply the remainder of such monies for the benefit of persons engaged in or connected with the merchant service in such manner as it may think fit.

Certain provisions in 7 & 8 Vict. c. 112, extended to India.

119. And be it enacted, that in construing the General Merchant Seamen's Act the expressions Her Majesty's dominions, Her Majesty's possessions, Her Majesty's colonies, Her Majesty's plantations, British possessions, and British colonies, shall, from the thirty-first day of December, One thousand eight hundred and fifty, be taken to include the territories under the

government of the East India Company, and all other territories (if any) governed by virtue of any charter or license from the Crown or Parliament of Great Britain.

120. And be it enacted, that the Governor General of East Indian India in council and the respective legislative authorities in and Colonial Her Majesty's colonies and possessions abroad may, by any Government acts, orders, or other appropriate means, appoint any func- may appoint tionaries to perform any of the duties and exercise any of the officers, and powers within their respective jurisdictions which are by this give direc- act or by the General Merchant Seamen's Act committed to tions for justices, officers of customs, or other public servants, and may enforcing direct in what manner the offences thereby made punishable 7 & 8 Vict. shall be prosecuted and punished, and in what manner the c. 112, and penalties thereby imposed and sums of money thereby made this act. recoverable shall be recovered in places within their respective jurisdictions, and in what manner and to what uses such penalties and sums of money shall be applied; and every such appointment and direction shall be valid, notwithstanding anything in the General Merchant Seamen's Act or in this act contained.

121. And be it enacted, that if the Governor General of The pro- India in council or the respective legislative authorities in any visions of of Her Majesty's colonies or possessions abroad think fit, by 7 & 8 Vict. any acts, orders, or other appropriate legal means, to apply c. 112, or adopt any of the provisions in the General Merchant Sea- 8 & 9 Vict. men's Act or in the Seamen's Protection Act or in this act c. 116, and contained to any British ships registered at, trading with, or this act, being at any place within their respective jurisdictions, and when applied to the owners, masters, mates, and crews thereof, such provi- by East sions, when so applied and adopted as aforesaid, and as long as Indian and they remain in force, shall, in respect of the ships and persons Colonial Govern- to which the same are applied, be enforced, and penalties and ments to punishments for the breach thereof shall be recovered and their own inflicted throughout Her Majesty's dominions, in the same ships, may manner as if such provisions had been hereby so adopted and be enforced applied, and such penalties and punishments had been hereby throughout expressly imposed: provided that if in any matter relating expressly imposed: provided that if in any matter relating throughout the empire. to any ship, or to any member of the crew of any ship, there Conflict of appears to be a conflict of laws, the case shall be governed by laws. the law of the place in which such ship is registered or licensed.

122. Provided also, and be it enacted, that every act, East Indian order, or other form of law to be passed or promulgated by the and Colonial Governor General of India in council or by any other legislative acts to be

subject to disallowance, and require sanction as in other cases. authority in pursuance of this act shall respectively be subject to the same right of disallowance or repeal, and require the same sanction as other acts and formalities, and be subject to the same conditions in all respect, as exist and are required in order to the validity of any other act, order, or other form of law passed by such Governor General or other legislative authority respectively.

Penalty for obtaining passage surreptitiously. 123. And be it enacted, that any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee or master, or of any mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding four weeks, at the discretion of the court or justice inflicting the same.

Corporations, &c. may grant sites for sailors' homes. 124. And be it enacted, that the Municipal Corporation of any Borough, being a seaport, in the United Kingdom, and any body corporate, association, or trustees in any such seaport existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of Her Majesty's principal Secretary of State for the Home Department, appropriate any lands vested in them, or in trustees for them, as a site or sites for a Sailors' Home or Sailors' Homes, and may for that purpose either retain and apply the same accordingly or convey the same to trustees, with such powers for appointing new trustees and continuing the trust, as they may think fit.

Act may be amended, &c. 125. And be it enacted, that this act may be amended or repealed by any act to be passed during this present session of Parliament.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

SCALE OF FEES ON EXAMINATIONS.

For a Master's Certificate . . .	£ 2 0 0
For a Mate's Certificate . . .	1 0 0

SCHEDULE B.

SCALE OF FEES FOR MATTERS TRANSACTED AT SHIPPING OFFICES.

1. Engagement of Crews.

Vessels under 60 tons . . .	£ 0 5 0
60 to 100 " . . .	0 10 0
100 to 200 " . . .	0 15 0
200 to 300 " . . .	1 0 0
300 to 400 " . . .	1 5 0
400 to 500 " . . .	1 10 0
500 to 600 " . . .	1 15 0
600 to 700 " . . .	2 0 0
700 to 800 " . . .	2 2 6
800 to 900 " . . .	2 5 0
900 to 1,000 " . . .	2 7 6
Above 1,000 " . . .	2 10 0

2. Engagement of Seamen separately.

Two shillings for each.

3. Discharge of Crews.

Vessels under 60 tons . . .	£ 0 5 0
60 to 100 " . . .	0 10 0
100 to 200 " . . .	0 15 0
200 to 300 " . . .	1 0 0
300 to 400 " . . .	1 5 0
400 to 500 " . . .	1 10 0
500 to 600 " . . .	1 15 0
600 to 700 " . . .	2 0 0
700 to 800 " . . .	2 2 6
800 to 900 " . . .	2 5 0
900 to 1,000 " . . .	2 7 6
Above 1,000 " . . .	2 10 0

4. Discharge of Seamen separately.

Two shillings for each.

SCHEDULE C.*

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF
THE FEES IN SCHEDULE B.

1. *In respect of Engagements and Discharges of Crews.*

	s.	d.
From wages of a first mate, purser, engineer, or surgeon		
of every ship of 200 tons or upwards	2	6
" " every other mate of any ship . . .	1	6
" " carpenter of any ship	2	6
" " steward of any ship	1	6
" " all others (except apprentices) belonging to any ship	1	0

2. *In respect of Engagements and Discharges of Seamen separately.*

From wages of each seaman 1s.

* Amended by Schedule appended to 14 & 15 Vic. c. 96.

MERCANTILE MARINE AMENDMENT ACT.

AN ACT

TO AMEND THE MERCANTILE MARINE ACT, 1851.

14 & 15 VICTORIA, CAP. 96.

WHEREAS it is expedient to amend the Mercantile Marine Act, 1850: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as the "Mercantile Marine Act Amendment Act, 1851," and shall come into operation immediately on the passing thereof.

2. This act shall, so far as is consistent with the contents and subject matter thereof, be taken as part of and construed with the said Mercantile Marine Act, 1850.

3. If any Local Marine Board, by reason of any election not taking place, or of the simultaneous resignation or constant non-attendance of all or the greater part of the members, or from any other cause, fails to meet or to discharge its duties, the Board of Trade may in its discretion either take into its own hands the performance of the duties of such Local Marine Board until the next triennial appointment and election thereof, or direct that a new appointment and election of such Local Marine Board shall take place immediately.

4. If any master or mate is convicted of felony, or is convicted and sentenced to imprisonment either summarily or otherwise under any of the provisions of the act of the eighth year of the reign of Her Majesty Queen Victoria, chapter one

To be taken as part of the Mercantile Marine Act, 18 & 14 Vict. c. 93.
If any Local Marine Board fail to discharge its duties, the Board of Trade may assume its duties or direct a new election.

cancelling or
suspending
certificates.

hundred and twelve, or of the Mercantile Marine Act, 1850, the Board of Trade may cancel or suspend his certificate, whether of competency or service; and if upon any investigation held under the twenty-eighth section of the said Mercantile Marine Act the report of the board or persons making the same is to the effect that such master or mate has been guilty of any gross and repeated acts of dishonesty, or of drunkenness, or of tyranny, the Board of Trade may cancel or suspend his certificate, whether of competency or service, and any such cancellation or suspension shall have the same effect as any cancellation or suspension made under the said twenty-eighth section of the Mercantile Marine Act, 1850; provided that the powers hereby given shall not affect or diminish the powers given by the said twenty-eighth section of the Mercantile Marine Act, 1850.

Certificates
of masters
&c. may be
appropriate
to station of
holder or of
a superior
grade.

5. In any case in which masters or mates of merchant ships are required to possess or produce certificates of competency or service, such certificates may be either of a grade appropriate to the stations held by them for the time being, or of any superior grade.

Certificates
of masters
and mates to
be produced
to shipping
masters, who
are to certify
the same, and
the proper
execution of
the agree-
ment, for the
satisfaction
of the officers
of customs.

6. After the first day of September one thousand eight hundred and fifty-one, the master of every foreign-going ship shall, on signing the agreement with his crew as required by the Mercantile Marine Act, 1850, produce to the shipping master before whom the same is signed the certificate of competency or service which the said master and his first and second mate or only mate, as the case may be, are by the said act required to possess; and upon such production being duly made, and the agreement being duly executed, as by the said act is required, the shipping master shall sign and give to the master a certificate to that effect; and in the case of running agreements herein-after provided for, the shipping master shall before the second and every subsequent voyage made after the first commencement of the agreement sign and give to the master, on his complying with the provisions herein-after contained with respect to such agreements, and producing to the shipping master the certificate of competency or service, of any first, second, or only mate then first engaged by him, a certificate to that effect; and the master of every foreign-going ship shall before proceeding to sea produce the certificate so to be given to him by the shipping master as aforesaid to the collector or comptroller of customs, and the collector or comptroller may thereupon, notwithstanding any provision to the contrary in the said Mercantile Marine Act,

1850, contained, allow such ship to proceed to sea without requiring the production of the certificates of competency or service or the agreement with the crew; and no officer of customs shall clear any foreign-going ship outwards or permit her to proceed to sea without the production of such certificate from the shipping master as aforesaid.

7. Such provisions of the Mercantile Marine Act, 1850, as relate to the engagement and discharge of seamen in the presence of a shipping master, shall extend to all engagements and discharges of seamen made within the limits of the United Kingdom in and from foreign-going British ships, in whatever part of Her Majesty's dominions such ships may be registered or licensed, and in whatever trade or occupation (other than the trade or occupation of home trade ships) they may be employed, and whether the same have or have not previously been within the limits of the United Kingdom; and such provisions of the said act of the eighth year of Her Majesty Queen Victoria as relate to the transmission or delivery of the account or list referred to in the said act as schedule C, shall apply to all ships as aforesaid when discharging their crews in the United Kingdom; provided that if the master of any ship not belonging to the United Kingdom who engages seamen in the United Kingdom is furnished with an agreement made in due form according to the law of the territory or colony to which such ship belongs, the seamen so engaged in the United Kingdom may sign such agreement in the presence of the shipping master, and the master shall not be compelled to enter into an agreement with them in the form required by the Mercantile Marine Act, 1850.

As to engagements and discharges for colonial ships made before shipping masters.

Provisions of 7 & 8 Vict. c. 112, as relate to the transmission of accounts, &c. referred to in schedule C. to apply to all ships, &c.

8. If the crew of any ship registered in any territory or colony being part of Her Majesty's dominions abroad is engaged within the limits of such territory or colony according to the laws for the time being in force there for a voyage which is to terminate in such territory or colony, and is so expressed in the agreement, such ship shall not, by reason of her touching in the course of such voyage at any place or places in the United Kingdom, and likewise at other places not situate in such territory or colony as aforesaid, be construed to be a ship to which the said Mercantile Marine Act, 1850, or this act, applies, except so far as relates to the engagement or discharge of any seaman engaged in or discharged from such ship within the limits of the United Kingdom.

Colonial ships merely touching in the United Kingdom not to be deemed on that account to fall within the 13 & 14 Vict., c. 93, s. 4.

9. In the case of foreign-going ships making voyages Foreign-

going ships averaging less than six months in duration, agreements with the crew may be made to extend over two or more voyages in the manner and subject to the conditions herein-after mentioned; (that is to say,) no such agreement shall extend beyond the next following thirtieth of June or thirty-first of

December, or the first arrival of the ship at her port of destination in the United Kingdom after such date; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, (except seamen engaged out of the United Kingdom and such substitutes as herein-after mentioned,) shall enter into and sign the same in the manner required by the said Mercantile Marine Act, 1850, in the case of foreign-going ships; and every person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the manner required by the said act for discharge of seamen belonging to foreign-going ships; and seamen engaged out of the United Kingdom, and substitutes engaged in the place of seamen who have duly signed this agreement, and whose services are lost within twenty-four hours before the ship puts to sea, by death, desertion, or other unforeseen cause, may be engaged in the manner provided for such cases by the forty-seventh section of the said Mercantile Marine Act, 1850.

Engagement and discharge of seamen in the meantime.

10. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in the United Kingdom, before the final termination of the agreement, discharge or engage before the shipping master there any seaman whom he is required by law so to discharge and engage, and shall indorse on the agreement a statement (as the case may be), either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as herein-before required: and any master who wilfully makes a false statement in such indorsement shall be liable to a penalty not exceeding twenty pounds; and the shipping master shall also sign an indorsement on the agreement to the effect that the provisions of this act relating to such agreement have been complied with, and shall re-deliver the agreement so indorsed to the master, when signed and attested.

Duplicates of agreements may be either kept by the

11. In cases in which such running agreements are made, the duplicate agreement retained by the shipping master upon the first engagement of the crew shall either be returned to the registrar of seamen immediately, or be kept by the

shipping master until the expiration of the agreement, as the shipping Board of Trade may direct. master, or returned.

12. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to such ships as aforesaid, the crews shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates, and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen: provided that nothing herein contained shall affect the power of reducing fees which the Board of Trade possesses under the said Mercantile Marine Act, 1850. Fees to be paid on such running agreements.

13. Except as herein-before provided, all enactments relating to agreements or to discharges which are contained in the said act shall apply to agreements and discharges effected in the manner herein-before mentioned. Enactments concerning agreements, &c., to apply to certain cases.

14. All shipping masters appointed under the said Mercantile Marine Act, 1850, shall, if applied to for the purpose, give to any boards of guardians or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power, and is consistent with their other duties, for facilitating the making of such apprentices, and shall, notwithstanding anything in the act of the ninth year of Her Majesty Queen Victoria, chapter one hundred and sixteen or in the Mercantile Marine Act, 1850, contained, be entitled to demand and receive from persons availing themselves of such assistance such fees as may be determined in that behalf by the Board of Trade, with the concurrence, so far as relates to parish apprentices, of the Poor Law Board; and such fees shall be accounted for and applied in the same manner as fees received under the Mercantile Marine Act, 1850. Shipping masters are to assist in binding apprentices, and may receive fees.

15. Such provisions of the Mercantile Marine Act, 1850, as require the masters or owners of ships of less than 80 tons burden, employed exclusively in trading between different places on the Coast of the United Kingdom, to keep, use, produce, or deliver agreements with their crews, and such provisions of the same Act as require the masters or owners of any such ships as last aforesaid, of whatever burden, to keep, use, produce, or deliver official log books, shall be repealed. Coasters to be relieved from carrying official logs, and, if of less than eighty tons burden, from carrying agreements.

16. So much of the fifty-ninth section of the Mercantile Marine Act, 1850, as provides that advance notes shall not be Advance- notes may be

given at the time of signing agreement.

given to seamen who sign the agreement before a shipping master until four hours after the agreement has been so signed, shall be repealed; and so much of the sixtieth section of the same Act as relates to the breach of such provisions shall also be repealed.

Repeal of section 61 of 13 & 14 Vict. c. 93, and other provisions substituted.

Advance-notes to be receipted when discounted.

Certain evidence to be sufficient.

17. The sixty-first section of the Mercantile Marine Act, 1850, shall be repealed; and in lieu thereof, be it enacted, that whenever any advance note is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the note, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the ship from the port of departure mentioned in the note, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the note may, ten days after the final departure of the ship from the said port of departure mentioned in the note, sue for and recover the amount promised by the note, with costs, either from the owner or from any agent who has drawn or authorised the drawing of the note, either in the County Court or in the summary manner in which seamen are by the General Merchant Seamen's Act enabled to sue for and recover wages not exceeding twenty pounds; and in any such proceeding it shall be sufficient for such person to prove that the note was given by the owner or master or some other authorised agent, and that the same was discounted to and receipted by the seaman, and the seaman shall be presumed to have sailed in the ship from such port as aforesaid, and to be duly earning his wages, unless the contrary is proved, either by the production of his register ticket, or by the official statement of the change in the crew caused by his absence, made and signed by the master, as by the Mercantile Marine Act, 1850, required, or in some other manner.

Power of dispensing with lime juice, &c. extended.

18. The power of dispensing with so much of the Act of the eighth year of Her Majesty Queen Victoria, chapter one hundred and twelve, as relates to lime or lemon juice, sugar and vinegar, which is by the sixty-fifth section of the said Mercantile Marine Act, 1850, given to the Board of Trade, shall extend to ships bound to any port on the eastern coast of North America north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic ocean north of the same limits.

Power to substitute

19. The Board of Trade may direct that citric acid, or any other article of a similar nature, may, at the discretion of

masters or owners of ships, be substituted for the lime or lemon other articles
 juice required by the eighteenth section of the Act of the eighth for lime
 year of Her Majesty Queen Victoria, chapter one hundred and juice.
 twelve, and may impose any conditions it thinks fit upon any
 such substitution, and may revoke any such directions; and no
 master or owner who complies with such directions shall be
 compelled to carry or serve out lime or lemon juice, or be
 liable to any penalty for not carrying or serving out the same.

20. Such provisions of the tenth section of the Act of the Penalty for
 eighth year of Her Majesty Queen Victoria, chapter one hundred harbouring
 and twelve, as relate to the harbouring or secreting of deserters, deserters to
 shall extend to the harbouring or secreting of any seaman extend to
 who after duly signing the agreement wilfully neglects or harbouring
 refuses to join his ship, or of any apprentice who so neglects or men who
 refuses. refuse to join.

21. Any pilot in charge of any ship who by wilful breach of Misconduct
 duty or by neglect of duty, or by reason of drunkenness, does in pilots en-
 any act tending to the immediate loss, destruction, or serious dangering
 damage of such ship, or tending immediately to endanger ship, life, or
 the life or limb of any person on board of such ship, or who by limb to be
 wilful breach of duty or neglect of duty, or by reason of drunk- a misde-
 enness, refuses or omits to do any lawful act proper and meanor.
 requisite to be done by him for preserving such ship from loss,
 destruction or serious damage, or for preserving any person
 belonging to or on board of such ship from danger to life
 or limb, shall for each such offence be deemed guilty of a misde-
 meanor.

22. Whenever in any proceeding relating to seamen's wages Costs of pro-
 it is shown that any seaman or apprentice has in the course of curing im-
 the voyage been convicted of any offence by any competent prisonment
 tribunal, and rightfully punished therefor by imprisonment may to the
 or otherwise, the court or justice hearing the case may, if they or extent of 2*l*.
 he think fit, direct a part of the wages due to such seaman, not be deducted
 exceeding three pounds, to be applied in reimbursing any costs from wages.
 properly incurred by the master in procuring such conviction
 and punishment.

23. Any court duly constituted according to the eighty- Naval courts,
 second section of the Mercantile Marine Act, 1850, shall, in constituted
 addition to the powers given to it by that Act, have the power under 13 &
 of ordering that the wages of any seaman whom it discharges 14 Vict.
 from his ship or any part of such wages shall be forfeited, and c. 93, s. 82,
 may direct either that such forfeited wages be retained by way to have

power to make certain decisions as to wages.

of compensation to the owner, or that they be paid to the Board of Trade, in the same manner as fines payable under the said Mercantile Marine Act, 1850, and shall also have the power of deciding any questions as to wages, or fines, or forfeitures, either of wages or effects, arising between any of the parties to the proceedings before it; and all such decisions and directions as aforesaid shall in any subsequent legal proceedings be deemed to be conclusive as to the rights of the parties.

Such courts to have the powers given to consuls by 7 & 8 Vict., c. 112, ss. 59, 60.

24. Every such court as aforesaid shall have and may exercise the same powers with respect to persons charged with the commission of offences at sea or abroad as are by the fifty-ninth and sixtieth sections of the Act of the eighth year of the reign of Her Majesty Queen Victoria, chapter one hundred and twelve, or any of them, given to Her Majesty's Consuls and Vice-Consuls; provided that nothing herein contained shall diminish or affect the said powers so given to Consuls and Vice-Consuls in any case in which no such court as aforesaid is constituted.

Orders of such courts to be entered in official log.

25. All orders made by any such court as last aforesaid shall be entered in the official log book of the ship to which the parties to the proceeding before it belong, and shall be signed by the president of the court or by one of its members.

In case of wreck or abandonment a naval court may be summoned, as under sect. 82 of 13 & 14 Vict., c. 93, to investigate the case, and report to the Board of Trade.

If the loss is reported to have been caused by misconduct, &c., in master or mates,

26. Whenever any merchant ship is wrecked or abandoned abroad, any naval officer in command of any of Her Majesty's ships, or any consular officer who may be at or near the place of such wreck or abandonment, or at any place at which the crew of the ship so wrecked or abandoned arrives, may, if he thinks the case requires investigation, summon a court, which shall be constituted in the same manner as courts constituted under the eighty-second section of the Mercantile Marine Act, 1850; and such court shall investigate the cause of the wreck or abandonment, and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths and affirmations, and order the production of documents, and shall make a report containing the statement of the proceedings and of the evidence, and shall send it to the Board of Trade; and if such report is to the effect that the wreck or abandonment has been caused by the misconduct or incompetency of the master or any certificated mate, the Board of Trade may cancel or suspend his certificate, whether of competency or service; and any such report, if purporting to be signed by the senior naval officer or to be sealed with the consular seal, and if produced out of the custody of the Board of Trade or

its officers, shall be admitted in evidence in any legal proceeding.

their certificates may be cancelled or suspended.

27. Except in the case of desertion and in other cases in which it is impossible so to do, every entry of any offence made in the official log book of any ship which leaves the United Kingdom after the first day of September one thousand eight hundred and fifty-one shall at the time when the ship is made, or as soon afterwards as possible, be read over distinctly and audibly to the offender or upon the quarter-deck of the ship, and a statement to the effect that the same has been so read shall be added to such entry, and signed as required for the signature of such entry; and, except in the cases aforesaid, no such entry shall be admissible in evidence on the part of the master or owner, or otherwise available for the purposes of such master or owner, if not so stated to have been read over as herein-before required.

Entry of offences in log to be read over to offenders.

28. The schedule hereunto annexed shall be substituted for Schedule C. annexed to the Mercantile Marine Act, 1850, and the thirty-ninth section of the Mercantile Marine Act shall be construed accordingly.

Schedule' annexed substituted for s. 39, and sched. C. of 13 & 14 Vict., c. 93.

29. The person acting for the time being as accountant to the naval department of the Board of Trade shall be the person who is to render the accounts of that department to the Commissioners of Audit or other persons undertaking the audit thereof.

Accountant to the naval department of the Board of Trade.

30. In all cases in which masters or owners of ships are required by the Act of the ninth year of Her Majesty Queen Victoria, chapter one hundred and twelve, or by the Mercantile Marine Act, 1850, to deliver or transmit any agreements, lists, or schedules to any officer of Customs, such masters and owners shall henceforth in lieu thereof deliver or transmit the same to the shipping masters appointed under the Mercantile Marine Act, 1850, and all provisions of the said Acts heretofore applicable to such delivery and transmission thereof as herein required.

Delivery of lists, &c., to be made to shipping masters.

31. All clerks to justices or other officers receiving any penalties inflicted under the said Act of the eighth year of Her Majesty Queen Victoria, chapter one hundred and twelve, the said Act of the ninth year of Her Majesty Queen Victoria, chapter one hundred and sixteen, the said Mercantile Marine Act, 1850, or this Act, shall give accounts thereof to the Board of Trade in such form as the said Board may direct.

Clerks to justices, &c. to account to Board of Trade for penalties received by them.

SCHEDULE.

Sums to be deducted from wages by way of partial repayment of fees in Schedule B. annexed to the Mercantile Marine Act. ,

1. In respect of engagements and discharges of crews, upon each engagement and each discharge.

	<i>s.</i>	<i>d.</i>
From wages of any mate, purser, engineer, surgeon,		
carpenter, or steward - - - - -	1	6
From wages of all others, except apprentices - - -	1	0

2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge, 1s.

SEAMEN'S FUND WINDING-UP ACT OF 1851.

(14 & 15 VICTORIA, CAP. 102.)

CLAUSES RELATING TO THE OBLIGATIONS OF OWNERS AND MASTERS OF VESSELS WITH REFERENCE TO THE WAGES AND EFFECTS OF DECEASED SEAMEN, AND OF SEAMEN LEFT SICK ABROAD, CITED IN THE ANALYSIS, AT PAGE 106.

29. WHENEVER any seaman or apprentice belonging to any British ship proceeding upon a voyage which is finally to terminate in the United Kingdom dies during such voyage, the master shall take charge of his money or other imperishable or unsaleable effects on board, and shall as soon as convenient cause his clothes and other perishable or saleable effects on board to be sold on board by auction at the mast or other public auction, and shall at the time make an entry of such sale in the official log-book, stating therein the date, the articles sold, and the sum received for each, and shall cause such entry to be attested by a mate or one of the crew, and shall, in the case of a foreign-going ship, upon attending before a shipping master for the discharge of his crew, and in the case of a home-trade ship, upon his first subsequent attendance before or transmission of half-yearly returns to a shipping master under the provision in 27th sec. of 7 and 8 Vic., c. 112, and in the Mercantile Marine Act, 1850, in that behalf contained, deliver any effects which he has taken charge of, and pay any money which he has either taken charge of or received from such sale as aforesaid, and also the balance of wages due to the seaman or apprentice at his death, to such shipping master, and shall give to the Board of Trade or to such shipping master such account as they require of such effects, money, and wages.

30. If any master fails to take such charge of the money or other effects of a seaman or apprentice dying on board, or to make such sale thereof, or to make such entries in respect of such sale, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying on board, or to give such account in respect thereof, as are herein-before respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the Board of Trade, which may by itself or any agent

recover the same; and such Master shall also for every such offence be liable to a penalty not exceeding double the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding fifty pounds.

31. Provided that in the case of voyages commenced before the first day of October, one thousand eight hundred and fifty one, no master who complies with the provisions relating to the effects and wages of seamen dying on board or abroad contained in the repealed 30th sec. of 5th of Wm. IV., c. 52., and in the repealed 31st sec. of the 7th & 8th Vic., cap. 112, and who pays and delivers the monies and effects which are by him payable or deliverable thereunder to any person appointed to receive such wages and effects by or in pursuance of this act, shall be liable to any suit or penalty by reason of his non-compliance with any new provisions herein-before contained relating to such wages or effects.

32. After the 1st of January, 1851, which the shipping masters appointed under the Mercantile Marine Act, 1850, first undertaken the duty of receiving contributions to the fund, the lists or schedules marked respectively C and D, which by the said Act 7 & 8 Vic., c. 112, and by the Mercantile Marine Act, 1850, masters or owners are required to deliver as therein mentioned, shall contain, in addition to the particulars required by the acts aforesaid or either of them, the following particulars; (that is to say,)

1. The time, place, and cause of death of any of the crew who may have died:
2. The wages due to any of the crew who may have died at the time of death:
3. The clothes or other effects belonging to any of the crew who may have died, with a statement of the manner in which they have been dealt with, and the money for which any of them have been sold:

And the Board of Trade may, notwithstanding any provision to the contrary in the Mercantile Marine Act, 1850, contained, issue new forms of the said lists or schedules containing such additional particulars and otherwise altered as may be found expedient, on giving one month's notice thereof by circulating the same amongst the Local Marine Boards.

33. If any such seaman or apprentice as aforesaid dies abroad leaving any money or effects not on board his ship, the chief officer of the customs at the place, if in Her Majesty's dominions, and Her Majesty's consul or vice-consul at or nearest the place, if not in Her Majesty's dominions, shall claim and take charge of all such money and effects, and shall, if he thinks fit, sell such effects, and shall remit the balance, after deducting expenses,

with a full account of such money and effects, to the Board of Trade, or as it directs.

34. Whenever any seaman or apprentice dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects not exceeding in value fifty pounds, such master or owner shall, if required by the Board of Trade so to do, pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was or was to have been discharged, or to the Board of Trade or some one of its authorised agents.

35. If the money and effects of any deceased seaman or apprentice paid, delivered, or remitted to the Board of Trade or its agents do not exceed in value the sum of fifty pounds they shall, after deducting expenses, direct payment and delivery thereof to any claimants who can prove themselves to the satisfaction of the said Board to be either his widow or children, or entitled to his effects under the statutes for the distribution of the effects of intestates, or to be entitled to procure probate or take out letters of administration, although no probate or letters of administration have been taken out, and the same shall be paid or delivered to such claimants accordingly, and shall be applied by them in due course of administration; and if such money and effects exceed in value the sum of fifty pounds, the same shall be paid and delivered to the legal personal representatives of such seaman or apprentice.

36. If no claim for any such money or effects as aforesaid is made by any person proving himself entitled to make the same, within seven years from the first payment or delivery thereof to the Board of Trade or to a shipping master or other agent of the said Board, such money and the sums received from the sale of such effects shall, subject to deductions for expenses, be appropriated as follows; that is to say, if the seaman or apprentice to whom the same belonged was at his death a member of a friendly society duly enrolled and certified according to the acts for the time being in force relating to such societies they shall be paid to such society, and if he was not at his death a member of any such society they shall be paid to the "Seaman's Hospital Society," and if at any subsequent time a valid claim thereto is substantiated, the society to which they have been paid shall satisfy the same.

37. Every person who, for the purpose of obtaining either for himself or for another any money or effects of any deceased seaman or apprentice, fraudulently forges or alters, or procures to be forged or altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid

gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with transportation for seven years, or may be summarily prosecuted before two or more justices, or in Scotland before two or more justices or the sheriff, and punished upon conviction by imprisonment for a period not exceeding six months, with or without hard labour.

61. All penalties and other sums of money hereby made recoverable may be recovered in the same manner as penalties and sums of money recoverable under the Mercantile Marine Act, 1850, and shall be paid to the Board of Trade, for the purposes of the fund; and all rules of law, practice, and evidence which are by the said Mercantile Marine Act, 1850, made applicable to legal proceedings thereunder, shall be applicable to proceedings under this act.

THE STEAM NAVIGATION ACT, 1851.

(14 & 15 VICTORIA, CAP. 79.)

CLAUSES RELATING TO THE OBLIGATIONS OF OWNERS AND MASTERS OF SHIPS, WITH REFERENCE TO SAFETY AND PREVENTION OF ACCIDENT ON BOARD, CITED IN ANALYSIS AT PAGE 106.

22. No decked vessel, except vessels used solely as steam-tugs, shall proceed to sea from any port or place in the United Kingdom whatsoever unless it shall be provided, according to its tonnage, with boats duly supplied with all requisites for their use, and not being fewer in number nor less in their cubic contents than the boats the number and cubic contents of which are specified in the following table; provided that the said limits of dimension be not considered applicable to vessels engaged in the Whale Fishery:

TABLE.

REGISTERED TONNAGE.		COLUMN I. To be carried by Sailing Vessels and Steam Vessels.				COLUMN II. To be carried by Sailing Vessels and Steam Vessels unless they carry the Boats in Column III.				COLUMN III. To be carried by Steam Vessels which do not carry the Boats in Column II.				TOTAL NUMBER OF BOATS.
Sailing Vessels.	Steam Vessels.	BOATS.				LAUSCHERS.				BOATS.				Sailing Vessels.
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	
Tons.	Tons.	Ft.	Ft.	In.	Ft.	Ft.	Ft.	In.	Ft.	Ft.	Ft.	In.	Ft.	As the case may be.
800 and upwards }	500 and upwards }	1 18	5 6	2 3	2 3	1 26	8 0	3 8	—	22	5 6	2 6	4	4 or 5
600 to 800 }	360 to 500 }	1 16	5 6	2 3	2 3	1 25	7 0	3 6	—	22	5 6	2 6	4	4 or 5
400 to 600 }	240 to 360 }	1 16	5 6	2 3	2 3	1 22	6 6	3 3	—	22	5 6	2 6	3	3 or 4
200 to 400 }	120 to 240 }	1 14	5 0	2 2	—	1 20	6 0	3 0	—	2 23	5 6	2 6	2	2 or 3
100 to 200 }	60 to 120 }	1 14	5 0	2 2	—	1 16	5 6	2 9	—	2 18	5 6	2 4	2	2 or 3
Under 100 }	Under 60 }	1 14	5 0	2 2	—	—	—	—	—	—	—	—	—	1

NOTE.—In the case of Steam-Vessels, Two paddle-box boats may be substituted for any two of the boats in Column III.

And no such vessel carrying more than ten Passengers shall proceed to sea unless, in addition to the boats herein-before required, it also be provided with a life boat furnished with all requisites for use, or unless one of its boats herein-before required be rendered buoyant after the manner of life-boats; and no such vessel shall proceed to sea with passengers as afore-

said unless it also be provided with two life-buoys, to be kept ready for immediate use : Provided that the enactments with respect to boats and life-buoys herein contained shall not apply in any case in which a certificate has been duly obtained under the Passengers' Act.

23. No steam vessel, except vessels used solely as steam-tugs, shall proceed to sea unless it shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the vessel, and capable of being connected with the engines of the vessel, nor, if carrying passengers, without being provided with the following means of making signals of distress, that is to say, twelve blue lights, or twelve port-fires, and one cannon, with ammunition for at least twelve charges, or, in the discretion of the master or owner of such vessel, with such other means of making signals as shall have been previously approved by the Lords of the said Committee.

24. If any such steam or other vessel as aforesaid proceed to sea without being provided with such boats and other equipments as herein-before required for such vessel, or if any of such boats or other equipments be lost or rendered useless in the course of the voyage through the wilful fault or negligence of the owner or master, or if in case of any of such boats or life-buoys being accidentally lost or injured in the course of the voyage the master or other person having charge of the vessel wilfully neglect to replace or repair the same on the first convenient opportunity, then and in every case where the owner shall appear to be in fault he shall be liable to a penalty not exceeding one hundred pounds, and in every case where the Master or other person having charge of the vessel shall appear to be in fault he shall be liable to a penalty not exceeding fifty pounds.

25. It shall not be lawful for any officer of Customs to clear out, or to grant a transire to, or allow to proceed to sea, any such steam or other vessel as aforesaid, unless the same is provided with such boats and other equipments as herein-before required for such vessel ; and in any case in which any vessel is delayed by reason of non-compliance with any of the provisions herein-before contained the tide-waiter left on board shall be maintained at the expense of the master or owner of such vessel until such provisions are complied with.

And with respect to the lights to be carried, and other provisions to be made for guarding against accidents from collision, be it enacted as follows :

26. The Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall from time to time make regulations requiring the exhibition of such lights, by such classes of vessels, whether steam or sailing vessels, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same, and they shall cause such regulations to be published in the

London Gazette, and to be otherwise publicly made known, and such regulations shall come into operation on a day to be named in such gazette, and they shall cause such regulations to be printed, and shall furnish a copy thereof to any owner or master of a vessel who applies for the same, and production of the gazette containing such regulations shall be sufficient evidence of the purport and due making thereof; and all owners and masters or persons having charge of vessels shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such lights, and no others, at such times, within such places, in such manner, and under such circumstances as are enjoined by such regulations; and in case of default the master or other person having charge of any vessel or the owner of such vessel, if it appear that he was in fault, shall for each and every occasion upon which such regulations are infringed forfeit and pay a sum not exceeding twenty pounds: Provided always, that all regulations made by the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, under the authority of the said recited acts or either of them, and in force at the passing of this act, together with the penalties applicable thereto, shall continue and be in force as if the same had been made under this act, until the same revoked.

27. Whenever any vessel proceeding in one direction meets a vessel proceeding in another direction, and the Master or other person having charge of either such vessel perceives that if both vessels continue their respective courses they will pass so near as to involve any risk of a collision, he shall put the helm of his vessel to port, so as to pass on the port side of the other vessel, due regard being had to the tide and to the position of each vessel with respect to the dangers of the channel, and, as regards sailing vessels, to the keeping of each vessel under command; and the master of any steam-vessel navigating any river or narrow channel shall keep as far as is practicable to that side of the fairway or midchannel thereof which lies on the starboard side of such vessel; and if the master or other person having charge of any steam-vessel neglect to observe these regulations or either of them, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

28. If in any case of a collision between two or more vessels it appear that such collision was occasioned by the non-observance either of the foregoing rules with respect to the passing of steamers or of the rules to be made as aforesaid by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral with respect to the exhibition of lights, the owner of the vessel by which any such rule has been infringed shall not be entitled to recover any recompense whatsoever for any damage sustained by such vessel in such collision, unless it appears to the court before which the case is tried that the circumstances of the case were such as to justify a departure from the rule; and in case any damage to person or property be sustained in consequence of the non-observance of

any of the said rules, the same shall in all courts of justice be deemed, in the absence of proof to the contrary, to have been occasioned by the wilful default of the master or other person having the charge of such vessel, and such master or other person shall, unless it appears to the court before which the case is tried that the circumstances of the case were such as to justify a departure from the rule, be subject in all proceedings, whether civil or criminal, to the legal consequences of such default.

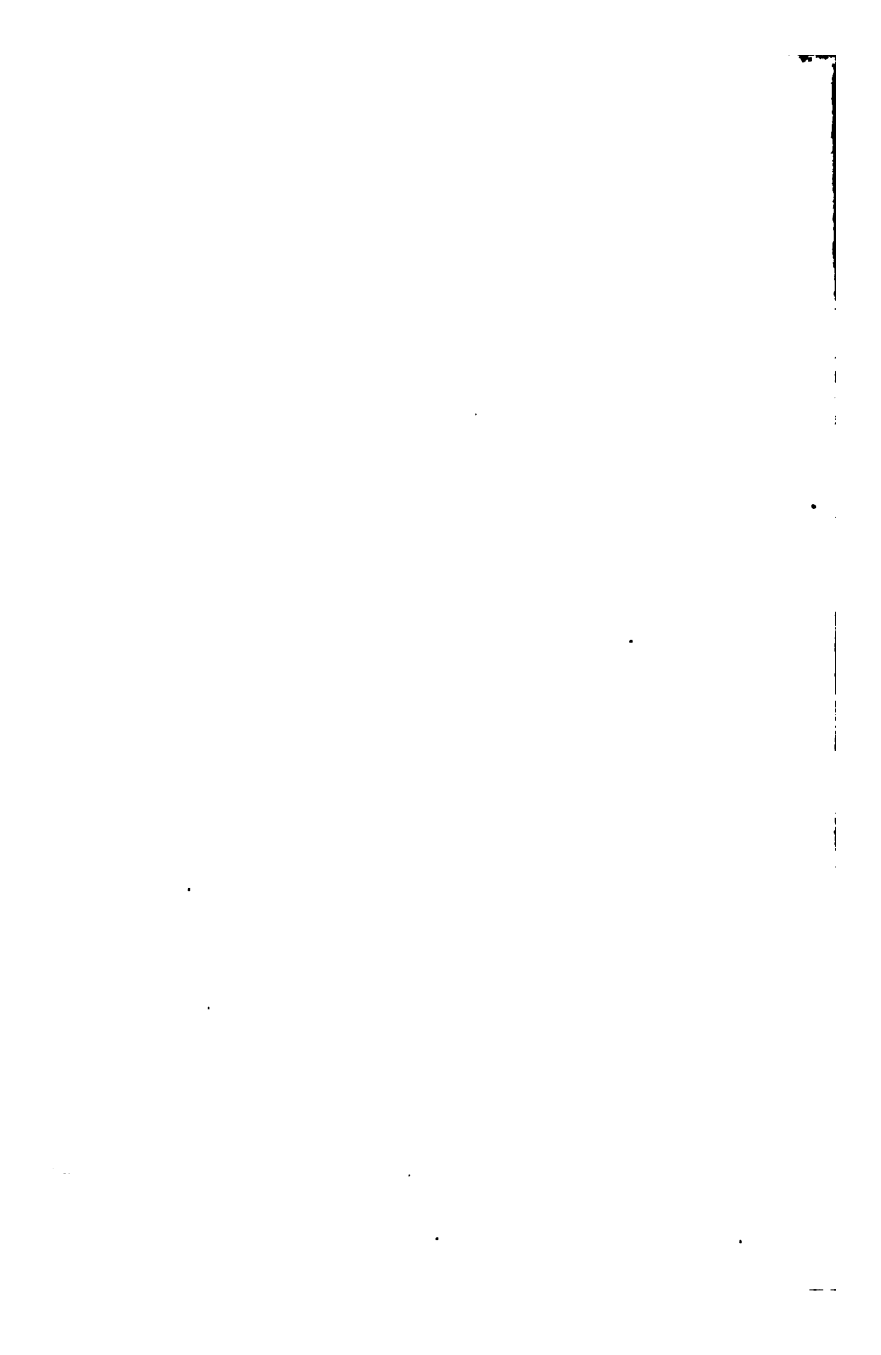
LONDON:

BRADBURY AND EVANS, PRINTERS, WHITEFRIARS



7







7



